

MINUTES
FREMONT CITY COUNCIL AND REDEVELOPMENT AGENCY SPECIAL MEETING
JULY 19, 2011
FREMONT CITY HALL
AND
VIA TELECONFERENCE BY COUNCILMEMBER NATARAJAN FROM
303 SALARPURIA ARISTOCRACY, 14th CROSS ROAD, J.P. NAGAR 1st PHASE,
BANGALORE 560078, INDIA
5:30 P.M.

Call to Order: Mayor Wasserman called the meeting to order.

Roll Call: Present: Mayor Wasserman, Vice Mayor Chan, Councilmembers: Harrison and Dutra
Absent: Councilmember Natarajan

1. CONVENED TO A CLOSED SESSION

- A. Pursuant to subdivision (a) of Section 54957.6 of the Government Code, the Fremont City Council met in Closed Session for the purpose of reviewing its position for upcoming employee negotiations and for instructing Fred Diaz, City Manager; Mark Danaj, Assistant City Manager; Brian Stott, Human Resources Director and Harvey Levine, City Attorney as the City's negotiators regarding salaries, salary schedules, compensation paid in the form of fringe benefits of its represented and unrepresented employees, and for any other matters within the statutorily provided scope of representation.

The names of the organizations representing employees in question are:

Fremont Association of Management Employees
Fremont Association of City Employees
Operating Engineers
Teamsters Local 856
Fremont Police Association
Professional Engineers and Technicians Association

- B. Pursuant to subdivision (a) of Section 54957.6 of the Government Code, the Fremont City Council met in Closed Session for the purpose of reviewing its position for upcoming employee negotiations and for instructing Fred Diaz, City Manager; Mark Danaj, Assistant City Manager; Brian Stott, Human Resources Director and Harvey Levine, City Attorney as the City's negotiators regarding salaries, salary schedules, compensation paid in the form of fringe benefits of its represented and unrepresented employees, and for any other matters within the statutorily provided scope of representation.

The names of the organizations representing employees in question are:

Fremont Fire Fighters

Fremont Fire Fighters Battalion Chiefs

Councilmember Harrison recused himself from participating in Closed Session B due to a conflict of interest related to a business relationship with IAFF, Local 1689.

- C. Pursuant to Section 54956.8 of the Government Code, the Fremont Redevelopment Agency met in Closed Session to confer with and grant authority regarding price and terms of payment to its real property negotiators, Elisa Tierney, Redevelopment Agency Director; Clifford Nguyen, Planner/Project Manager, Agency Attorney, Harvey Levine and Special Counsel, Jack Nagel.

Property Owner	Address	Parcel No.	Acres
Redevelopment Agency	37070 Fremont Blvd.	501-142600403	2.50
Redevelopment Agency	37120 Fremont Blvd.	501-142600601	.77
Redevelopment Agency	37156 Fremont Blvd	501-142600803	2.00
Redevelopment Agency	37196 Fremont Blvd.	501-142601002	.75
Redevelopment Agency	37122 Fremont Blvd.	501-142601100	.54
Redevelopment Agency	37218 Fremont Blvd.	501-142601203	.05

The Special Meeting of the Fremont City Council and Redevelopment Agency adjourned at 6:50 p.m.

Attest:

Approved:

Robin Sprague, Acting Deputy City Clerk

ANU NATARAJAN, Vice Mayor

**MINUTES
FREMONT CITY COUNCIL MEETING
JULY 19, 2011
FREMONT CITY HALL
AND
VIA TELECONFERENCE BY COUNCILMEMBER NATARAJAN FROM
303 SALARPURIA ARISTOCRACY, 14th CROSS ROAD, J.P. NAGAR 1st PHASE,
BANGALORE 560078, INDIA
7:00 P.M.**

1. PRELIMINARY

1.1 Call to Order: Mayor Wasserman called the meeting to order.

1.2 Flag Salute: Vice Mayor Chan led the salute to the flag.

1.3 Roll Call: Present: Mayor Wasserman, Vice Mayor Chan, Councilmembers: Harrison and Dutra.
Absent: Councilmember Natarajan

1.4 Announcements by Mayor/City Manager

2. CONSENT CALENDAR

- * **2.1 Waive Reading of Ordinances:** The City Attorney read the titles of ordinances to be considered.

On a motion by Councilmember Harrison, seconded by Vice Mayor Chan, the City Council waived further readings of proposed ordinances.

Ayes:	Mayor Wasserman, Vice Mayor Chan, Councilmembers: Harrison and Dutra
Noes:	None
Absent:	Councilmember Natarajan
Abstain:	None

- * **2.2 Approval of Minutes – None.**

- * **2.3 Mayor Wasserman opened consideration of Second Reading and Adoption of an Ordinance of the City Council of the City of Fremont Enacted Pursuant to the Health and Safety Code Section 34193 to Elect and Implement Participation by the City of Fremont and the Redevelopment Agency of the City of Fremont in the Alternative Voluntary Redevelopment Program Pursuant to Part 1.9 of the California Community Redevelopment Law**

On a motion by Councilmember Harrison, seconded by Vice Mayor Chan, the City Council adopted Ordinance No. 10-2011.

Ayes: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Harrison and Dutra
Noes: None
Absent: Councilmember Natarajan
Abstain: None

*** 2.4 Mayor Wasserman opened consideration of Rejection of All Bids Received for the Centerville Ballfield Synthetic Turf Conversion Project, 8717 (PWC), and Re-Advertise Project**

On a motion by Councilmember Harrison, seconded by Vice Mayor Chan, the City Council rejected all bids received for Construction Contract for the Centerville Ballfield Synthetic Turf Conversion Project, City Project No. 8717 (PWC), and directed staff to revise the contract documents as necessary and re-advertise the contract.

Ayes: Mayor Wasserman, Vice Mayor Chan, and
Councilmember Dutra
Noes: None
Absent: Councilmember Natarajan
Abstain: Councilmember Harrison

*** 2.5 Mayor Wasserman opened consideration of Authorizing the City Manager or Designee to Amend the Contract with Perkins+Will for \$65,000 for Planning and Technical Studies Related to Warm Springs/South Fremont Area Studies**

On a motion by Councilmember Harrison, seconded by Vice Mayor Chan, the City Council:

1. Authorized the City Manager or designee to amend the contract with Perkins+Will to a not-to-exceed amount of \$395,000.
2. Approved the appropriation of \$65,000 from the Capital Improvement Fund 501 unallocated fund balance to 501PWC8735, NUMMI Site Reuse & Revitalization project.

Ayes: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Harrison and Dutra
Noes: None
Absent: Councilmember Natarajan
Abstain: None

*** 2.6 Mayor Wasserman opened consideration of Approval of Amendments to the Tri-Cities Recycling and Disposal Facility and the Altamont Landfill Contracts to Incorporate the Delivery Date of January 1, 2013, for Full Transition of Municipal Solid Waste Disposal from Tri-Cities Landfill to Altamont Landfill**

On a motion by Councilmember Harrison, seconded by Vice Mayor Chan, the City Council authorized the City Manager or designee to execute the amendments with Waste Management of Alameda County to the Tri-Cities Recycling and Disposal Facility and the Altamont Landfill authorizing waste deliveries to Tri-Cities Landfill until December 31, 2012, and the full transfer to Altamont Landfill on January 1, 2013.

Ayes: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Harrison and Dutra
Noes: None
Absent: Councilmember Natarajan
Abstain: None

*** 2.7 Mayor Wasserman opened consideration of a Resolution Authorizing the Submittal of a Housing-Related Parks Program Grant Application to the State Department of Housing and Community Development**

On a motion by Councilmember Harrison, seconded by Vice Mayor Chan, the City Council adopted Resolution No. 2011-42:

1. Authorizing the submittal of a Housing-Related Parks Program grant application to the State Department of Housing and Community Development in an amount for which the City of Fremont is eligible, estimated to be \$122,700, and;
2. Authorizing the City Manager, or his designee to execute all necessary program and grant documents.

Ayes: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Harrison and Dutra
Noes: None
Absent: Councilmember Natarajan
Abstain: None

*** 2.8 Mayor Wasserman opened consideration of a Resolution Approving a New Memorandum of Understanding (2011-2013) with the Fremont Police Association (FPA)**

On a motion by Councilmember Harrison, seconded by Vice Mayor Chan, the City Council adopted Resolution No. 2011-43 approving a two-year Memorandum of Understanding (MOU) that commences on July 1, 2011, and expires on June 30, 2013, between the City and the Fremont Police Association (FPA), and authorizing the City Manager to execute the MOU.

Ayes: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Harrison and Dutra
Noes: None
Absent: Councilmember Natarajan
Abstain: None

*** 2.9 Mayor Wasserman opened consideration of Public Hearing (Published Noticed) to Consider Planning Commission Recommendation to Introduce an Ordinance Adopting a Planned District Major Amendment to P-2005-80 (Villa D'este) Amending Conditions of**

*Consent Items

Approval Related to Building and Site Design Modifications for the Remaining 126 Attached Units Located at the Southeast Quadrant of Ardenwood Boulevard and Paseo Padre Parkway in Northern Plain Planning Area

On a motion by Councilmember Harrison, seconded by Vice Mayor Chan, the City Council:

1. Held public hearing.
2. Found that, consistent with CEQA Guidelines 15162, no significant changes to the project or site circumstances have occurred, nor has new information of substantial importance been discovered, and the previously adopted Mitigated Negative Declaration and Mitigation Monitoring Plan are still valid and no further environmental analysis is required, and found this action reflects the independent judgment of the City of Fremont.
3. Found Planned District Major Amendment is in conformance with the relevant provisions contained in the City's General Plan. These provisions include the designations, goals, objectives and policies set forth in the General Plan's Land Use and Housing Chapters as enumerated within the staff report.
4. Found the Precise Plans for the project as depicted in Exhibit "A" (precise site plan, floor plans, elevations, engineering plans and landscape plans), fulfills the applicable requirements set forth in the Fremont Municipal Code.
5. Introduced an ordinance approving the Precise Plans as shown on Exhibit "A" More specifically, sheets A1.1-1.27, L1.1-6.11 and C1-7 consisting of precise site plan, floor plans, elevations, engineering plans and landscape plans for Planned District Major Amendment to P-2005-80 be approved, based upon the findings contained in this report and subject to the conditions of approval set forth in Exhibit "B".
6. Directed staff to prepare and the City Clerk to publish a summary of the ordinance.

Ayes: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Harrison and Dutra
Noes: None
Absent: Councilmember Natarajan
Abstain: None

*** 2.10 Mayor Wasserman opened consideration of Public Hearing (Published Notice) to Consider a Planning Commission Recommendation to Establish a Precise Planned District (P-2011-154), and Approve a Private Street, a Preliminary Grading Plan, and Tentative Tract Map 8076 for a 16-unit Duet Development on a Vacant 0.99-acre Parcel (PLN2011-00154)**

On a motion by Councilmember Harrison, seconded by Vice Mayor Chan, the City Council:

1. Held public hearing;
2. Adopted the Mitigated Negative Declaration and Mitigation Monitoring Program, and found this action reflects the independent judgment of the City of Fremont;
3. Found the project consistent with the General Plan for the reasons enumerated in this staff report;
4. Found that the Precise Plan for the project as depicted in Exhibit "C" (architectural and landscape plans) and Exhibit "D" (Vesting Tentative Tract Map 8076, Private Street,

Preliminary Grading Plan and accompanying civil plans) fulfills the applicable requirements set forth in the Fremont Municipal Code;

5. Introduced an ordinance rezoning the property from Multi-Family Residence (R-3-18) to Planned District (P-2011-154) as shown on Exhibit “B” and establishing the Precise Plan for the Planned District as shown in Exhibit “C” (architectural and landscape plans), based upon the findings and subject to the conditions of approval set forth in Exhibit “F”;
6. Approved Vesting Tentative Tract Map 8076 and the accompanying Private Street and Preliminary Grading Plan as shown in Exhibit “D”, based upon the findings and subject to the conditions of approval set forth in Exhibit “F”;
7. Approved the Affordable Housing Plan authorizing the applicant to pay in-lieu fees to fulfill its obligation under the Affordable Housing Ordinance as proposed in Exhibit “E”; and
8. Approved the proposed removal and mitigation for eight private, protected trees, pursuant to the Tree Preservation Ordinance and as described in the staff report and conditions of approval contained in Exhibit “F”; and
9. Directed staff to prepare and the clerk to publish a summary of the ordinance.

Ayes:	Mayor Wasserman, Vice Mayor Chan, and Councilmember Harrison
Noes:	None
Absent:	Councilmember Natarajan
Abstain:	Councilmember Dutra

3. CEREMONIAL ITEMS

3.1 Proclamation: National Night Out

3.2 Presentation of the California Association of Local Economic Development (CALED) Award of Excellence—grand prize winner—to the City of Fremont acknowledging the innovative Local Business Stimulus Package

3.3 Resolution: Honoring Police Officer John Rosette for Thirty Years of Service

4. PUBLIC COMMUNICATIONS

4.1 Oral and Written Communications – None.

5. SCHEDULED ITEMS

5.1 Mayor Wasserman opened consideration of Public Hearing (Published Notice) to Consider an Appeal of a Planning Commission Denial of a Conditional Use Permit Amendment to Expand the Allowable Uses to Include a Concert Hall, Banquet Facility, Dinner Theater, and Other Assembly Uses and Events Where a Performing Arts Theater and Movie Theater are Currently Permitted in the Centerville Planning Area

Associate Planner Joel Pullen and Interim Planning Manager Barbara Meerjans summarized issues for consideration of review, Planning Commission recommendations and staff recommendations. Mayor Wasserman opened the public hearing and opened the item for public comment. Don Marshall expressed concern for public safety regarding potential traffic issues. Roger Shanks, consultant for the appellant Mr. Sadiq, expressed reasons for requesting approval of the appeal. There were no other speakers. Mayor Wasserman closed public hearing. Staff responded to questions from Councilmembers.

On a motion by Councilmember Harrison, seconded by Councilmember Dutra, the City Council denied the appeal and denied the Conditional Use Permit Amendment PLN2011-00093. Councilmember Harrison requested staff to bring back building code information for vintage assembly halls.

Ayes:	Vice Mayor Chan, and Councilmembers Harrison and Dutra
Noes:	Mayor Wasserman,
Absent:	Councilmember Natarajan
Abstain:	None

6. REPORT FROM CITY ATTORNEY

6.1 Mayor Wasserman opened consideration of a Report Out from Closed Session of Any Final Action – None.

7. OTHER BUSINESS

7.1 Mayor Wasserman opened consideration of Approve and Authorize the City Manager to Execute a Fifth Amendment to the Cooperative Agreement with the Santa Clara Valley Transportation Authority for the Kato Road Grade Separation Project

Public Works Director Jim Pierson provided a PowerPoint presentation. Staff responded to questions from Councilmembers.

On a motion by Councilmember Harrison, seconded by Vice Mayor Chan, the City Council approved and authorized the City Manager or his designee to execute the fifth amendment to the Cooperative Agreement with the VTA and delegate the authority to the City Manager to approve the extension of the nine-month closure period for Kato Road to 12 months if certain extraordinary conditions occur.

Ayes:	Mayor Wasserman, Vice Mayor Chan, Councilmembers: Harrison and Dutra
Noes:	None
Absent:	Councilmember Natarajan
Abstain:	None

7.2 Mayor Wasserman opened consideration of City Council Review and Consideration of the Draft Climate Action Plan

Associate Planner Amy Rakley provided an overview. Mayor opened item for public comment. David Stark, Public Affairs Director for Bay Area Association of Realtors, expressed concerns related to residential energy conservation. Timothy May, Rental Housing Owners Association, spoke in support of the Climate Action Plan. Nina Moore, Fremont Chamber of Commerce, is supportive of the City's efforts to be green and reduce greenhouse gas emissions. John Weed expressed various concerns regarding the Action Plan. There were no other speakers. Mayor closed public comment. Staff responded to questions from Councilmembers.

City Council provided input to staff on the draft Climate Action Plan chapters and actions for reducing greenhouse gas emissions in the community and in City operations. City Council directed staff to complete preparation of the draft Climate Action Plan for adoption concurrent with the Draft General Plan and Environmental Impact Report.

8. COUNCIL COMMUNICATIONS

8.1 Council Referrals

8.1.1 MAYOR WASSERMAN REFERRAL – Designation of League of California Cities Annual Conference Voting Delegate

On a motion by Councilmember Harrison seconded by Councilmember Dutra, the City Council appointed Councilmember Natarajan as the City's voting delegate and Vice Mayor Chan as the voting alternate.

Ayes:	Mayor Wasserman, Vice Mayor Chan, Councilmembers: Harrison and Dutra
Noes:	None
Absent:	Councilmember Natarajan
Abstain:	None

8.2 Oral Reports on Meetings and Events – None.

- 9. ADJOURNMENT:** There being no further business, Mayor Wasserman adjourned the meeting at 10:10 p.m. in memory of Don Lee, husband of staff member May Lee, who was lost at sea.

Attest:

Approved:

Robin Sprague, Acting Deputy City Clerk

ANU NATARAJAN, Vice Mayor

*Consent Items

**MINUTES
FREMONT CITY COUNCIL/REDEVELOPMENT AGENCY SPECIAL MEETING
DECEMBER 6, 2011
FREMONT CITY HALL
6:15 P.M.**

Call to Order: Mayor Wasserman called the meeting to order.

Roll Call: Present: Mayor Wasserman, Vice Mayor Natarajan, Councilmembers:
Harrison, Chan and Dutra

1. CONVENE TO A CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

This Closed Session is authorized by subdivision (a) of Section 54956.9 of the Government Code and will pertain to existing litigation in one matter.

Glenn Bell vs. City of Fremont, Case No. RG11575493

AGENCY:

CONFERENCE WITH REAL PROPERTY NEGOTIATORS: This closed session is authorized by Government Code Section 54956.8 at the time and place stated above to confer with and grant authority regarding price and terms of payment to its real property negotiators.

Property Owner	Address	Parcel No.	Acres
Redevelopment Agency	37070 Fremont Blvd.	501-142600403	2.50
Redevelopment Agency	37120 Fremont Blvd.	501-142600601	.77
Redevelopment Agency	37156 Fremont Blvd	501-142600803	2.00
Redevelopment Agency	37196 Fremont Blvd.	501-142601002	.75
Redevelopment Agency	37122 Fremont Blvd.	501-142601100	.54
Redevelopment Agency	37218 Fremont Blvd.	501-142601203	.05

The Brown Act requires the negotiators (even when not attending the meeting) to be listed in this notice. Those negotiators are:

For the Agency—(which will be represented at the meeting) Elisa Tierney, Redevelopment Agency Director; Cliff Nguyen, Project Manager and Agency Attorney, Harvey Levine

For the Property Owner—(Not present at the meeting) Brad Blake

The Special Meeting of the Fremont City Council adjourned at 7:00 p.m.

Attest:

Approved:

Nadine Nader, City Clerk

ANU NATARAJAN, Vice Mayor

**MINUTES
FREMONT CITY COUNCIL MEETING
DECEMBER 6, 2011
FREMONT CITY HALL
7:00 P.M.**

1. PRELIMINARY

- a. Call to Order:** Mayor Wasserman called the meeting to order.
- b. Flag Salute:** Councilmember Dutra led the salute to the flag.
- c. Roll Call:** Present: Mayor Wasserman, Vice Mayor Natarajan, Councilmembers: Harrison, Chan and Dutra.
- d. Announcements by Mayor/City Manager**

2. CONSENT CALENDAR

- * **a. Waive Reading of Ordinances:** The City Attorney read the titles of ordinances to be considered.

On a motion by Councilmember Natarajan, seconded by Councilmember Harrison, the City Council waived further readings of proposed ordinances.

Ayes:	Mayor Wasserman, Vice Mayor Natarajan, Councilmembers: Harrison, Chan and Dutra
Noes:	None
Absent:	None
Abstain:	None

- * **b. Approval of Minutes – None.**
- * **c. Mayor Wasserman opened consideration of Second Reading and Adoption of an Ordinance to Amending the Precise Plan for Planned District P-2005-131, Located at 41075 Railroad Avenue in the Irvington District (Central Park South)**

On a motion by Councilmember Natarajan, seconded by Councilmember Harrison, the City Council adopted Ordinance No. 18-2011

Ayes:	Mayor Wasserman, Vice Mayor Natarajan, Councilmembers: Harrison, Chan and Dutra
Noes:	None
Absent:	None
Abstain:	None

* **d. Mayor Wasserman opened consideration to Amend City Council Handbook and Rules of Procedure to Include a Policy on the Paperless Council Agenda Process and the Use of Electronic Tablets**

On a motion by Councilmember Natarajan, seconded by Councilmember Harrison, the City Council adopted Resolution No. 2011-64 amending the City Council Handbook to include Appendix C – Policy on the Paperless Council Agenda Process and Use of Electronic Tablets.

Ayes: Mayor Wasserman, Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

* **e. Mayor Wasserman opened consideration to Approve Price Contracts with Fremont Toyota, Frontier Ford, Serramonte Ford, Hansel Ford, Albany Ford, and Hoblit Motors for the Purchase of Fleet Replacement Vehicles from the Multi-Year Vehicle Purchase Bid# 09-012.**

This item removed from Consent Calendar. Staff responded to questions from Councilmembers. There were no speakers.

On a motion by Councilmember Dutra, seconded by Councilmember Harrison, the City Council approved price contracts with Fremont Toyota, Frontier Ford, Serramonte Ford, Hansel Ford, Albany Ford, and Hoblit Motors for the purchase of fleet replacement vehicles from the Multi-Year Vehicle Purchase Bid# 09-012 in accordance with Fremont Municipal Code Chapter 9, Section 2-9301.1.

Ayes: Mayor Wasserman, Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

3. CEREMONIAL ITEMS

a. Federal, State and City Proclamations Honoring Clyde Mann's Efforts to Create a National Science Day

Councilmember Chan gave a brief background. Mayor read the City proclamation. Andrae Macapinac from Assemblymember Wieckowski's office presented a joint state/assembly resolution on behalf of Assemblymember Wieckowski & State Senator Corbett. Mike Nguyen from Congressman Mike Honda's office presented a joint Congressional Record on behalf of Congressmen Mike Honda & Pete Stark. Jonathan Allen from the office of Superintendent Sheila Jones, Alameda County Office of Education, and District 6 Board Trustee Eileen McDonald presented a proclamation.

4. PUBLIC COMMUNICATIONS

a. Oral and Written Communications

5. SCHEDULED ITEMS

a. Mayor Wasserman opened consideration of Public Hearing (Published Notice) to Consider Adoption of the City of Fremont General Plan Update and Certification of the Final EIR. (PLN2005-00190)

Councilmember Chan recued herself from the public hearing. Mayor Wasserman opened the hearing giving the proponents and opponents groups each one hour to speak.

Kimber Park neighbors - speakers: Christina Broadwin, Laird Matthews, Richard Tompkins, Sandra Tompkins, Carmen Pham, Vinnie Bacon, Al Minard, Jon Barton, Sunil Dhar, Jon Williams, John Dutra, Sr., Dr. Gordon MacLeod, Andrew Law, Edward Wustenhoff, Yoko Young, Arun Aiyer, and Stuart Flashman all spoke in favor of saving Kimber Park open space and opposing additional development in the neighborhood.

Mission Hills Tennis Club/Bella Vina – speakers: Paul Gumina, Nick Petredis, Roger Shanks, Steve Saray, Sue Dillon, David Paul, Hi Dong, George Palomares, Ripple Leung, Tim Tran, Ray Tong, Nigel Chang, Mike Pan, and Joyce Sun all spoke in support of the proposed project.

Non-represented speakers: Ginger Lee spoke to both sides of the issue.

On a motion by Vice Mayor Natarajan, seconded by Councilmember Harrison, the City Council proposed that for one-year the Kimber Park area be designation in the General Plan as a Study Area.

Mayor Wasserman continued the rest of the public hearing to December 13, 2011.

Ayes:	Mayor Wasserman, Vice Mayor Natarajan, Councilmember Harrison
Noes:	Councilmember Dutra
Absent:	None
Abstain:	Councilmember Chan

6. REPORT FROM CITY ATTORNEY – None.

7. OTHER BUSINESS – None.

8. COUNCIL COMMUNICATIONS

a. Council Referrals – None.

b. Oral Reports on Meetings and Events

*Consent Items

Councilmembers reported on their various meetings and activities.

- 9. ADJOURNMENT:** There being no further business, Mayor Wasserman adjourned the meeting at 10:50 p.m.

Attest:

Approved:

Nadine Nader, City Clerk

ANU NATARAJAN, Vice Mayor

MINUTES
FREMONT CITY COUNCIL/REDEVELOPMENT AGENCY SPECIAL MEETING
DECEMBER 13, 2011
FREMONT CITY HALL
6:30 P.M.

Call to Order: Vice Mayor Natarajan called the meeting to order.

Roll Call: Present: Vice Mayor Natarajan, Councilmembers: Harrison, Chan and Dutra
Absent: Mayor Wasserman

1. CONVENE TO A CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

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The Brown Act requires the negotiators (even when not attending the meeting) to be listed in this notice. Those negotiators are:

For the Agency—(which will be represented at the meeting) Elisa Tierney, Redevelopment Agency Director; Cliff Nguyen, Project Manager and Agency Attorney, Harvey Levine

For the Property Owner—(Not present at the meeting) Brad Blake

The Special Meeting of the Fremont City Council adjourned at 6:45 p.m.

Attest:

Approved:

Susan Gauthier, Deputy City Clerk

ANU NATARAJAN, Vice Mayor

**MINUTES
FREMONT CITY COUNCIL MEETING
DECEMBER 13, 2011
FREMONT CITY HALL
7:00 P.M.**

1. PRELIMINARY

- a. Call to Order:** Mayor Wasserman called the meeting to order.
- b. Flag Salute:** Vice Mayor Natarajan led the salute to the flag.
- c. Roll Call:** Present: Mayor Wasserman, Vice Mayor Natarajan, Councilmembers: Harrison, Chan and Dutra.
- d. Announcements by Mayor/City Manager**

2. CONSENT CALENDAR

- * **a. Waive Reading of Ordinances:** The City Attorney read the titles of ordinances to be considered.
- * **b. Approval of Minutes – None.**
- * **c. Mayor Wasserman opened consideration of a Resolution to Approve City of Fremont Park Standard Details (PSD) for Park Development and Public Works Contracts (PWC) and New Landscape Standard Details (LSD) for Improvements Within the Public Right-of-Way**

On a motion by Councilmember Harrison, seconded by Vice Mayor Natarajan, the City Council:

- 1. Approved the new City of Fremont Park Standard Details (PSD) for Park and City Facility Development and Public Works Contracts (PWC).
- 2. Adopted Resolution No. 2011-65 approving the new City of Fremont Park Standard Details (PSD).
- 3. Authorized the Community Services Director and Senior Landscape Architect to, jointly, make minor modifications, clarifications and revisions to the Parks Standard Details (PSD) as needed.
- 4. Approved the new and deleted City Landscape Standard Details (LSD) for Park and City Facility Development and Public Works Contracts (PWC), and find that they are consistent with existing Resolution No. 2006-31.

Ayes: Mayor Wasserman , Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None

*Consent Items

Absent: None
Abstain: None

* **d. Mayor Wasserman opened consideration to Consideration of the Development Impact Fee Annual Report for Fiscal Year 2010/11**

On a motion by Councilmember Harrison, seconded by Vice Mayor Natarajan, the City Council accepted the Development Impact Fee Annual Report for Fiscal Year 2010/11.

Ayes: Mayor Wasserman , Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

* **e. Mayor Wasserman opened consideration to Authorize the City Manager or His Designee to Execute an Ingress and Egress License Agreement with Sunhill Enterprises, LP for a Driveway Aisle on City Property Located at 39155 State Street.**

On a motion by Councilmember Harrison, seconded by Vice Mayor Natarajan, the City Council authorized the City Manager or his designee to execute an ingress and egress license agreement with Sunhill Enterprises, LP for a driveway aisle on City property located at 39155 State Street.

Ayes: Mayor Wasserman , Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

* **f. Mayor Wasserman opened consideration to Authorize City Manager to Execute a Contract with Garavaglia Architecture, Inc., in an Amount of \$99,676 for Design and Engineering Services on Patterson House Rehabilitation (City Project No. PWC 8766)**

On a motion by Councilmember Harrison, seconded by Vice Mayor Natarajan, the City Council authorized the City Manager to execute a contract with Garavaglia Architecture, Inc., for design and engineering services in an amount not to exceed \$99,676.

Ayes: Mayor Wasserman , Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

- * g. **Mayor Wasserman opened consideration of Approval of Public Safety Capital Projects (Fire Bond Program, Fire Station 11, and Police Seismic Retrofit) Funding Reallocation, Budget Clean-up, and Appropriations**

On a motion by Councilmember Harrison, seconded by Vice Mayor Natarajan, the City Council approved appropriation transfers of \$79,000 of Fire Safety bond proceeds, as listed in the above table, close projects PWC8549 and PWC7838, and appropriate \$79,000 to Fire Station No. 3 in Irvington, PWC 8552.

Ayes: Mayor Wasserman , Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

- * h. **Mayor Wasserman opened consideration to Adopt a Resolution Authorizing the Submittal of a Grant Application to the San Francisco Foundation to be Used for Senior Support Activities of the Tri-City Elder Coalition and Authorizing the Execution of the Grant Agreement**

On a motion by Councilmember Harrison, seconded by Vice Mayor Natarajan, the City Council adopted Resolution No. 2011-66 authorizing the City Manager or designee to submit a grant application to the San Francisco Foundation in the amount of \$30,000 for senior support activities of the Tri-City Elder Coalition, and to execute the grant agreement and any implementing documents.

Ayes: Mayor Wasserman , Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

3. CEREMONIAL ITEMS – None.

4. PUBLIC COMMUNICATIONS

- a. **Oral and Written Communications – None.**

5. SCHEDULED ITEMS

- a. **Mayor Wasserman opened consideration of Continuation of a Public Hearing on December 6, 2011 to Consider Adoption of the City of Fremont General Plan Update and Certification of the Final EIR. (PLN2005-00190)**

Community Development Deputy Director Dan Schoenholz and Planner Kelly Diekmann provided a Power Point presentation. Councilmember Chan recused herself from the discussion on Transit Oriented Development (TOD).

Issue 1: Transit Oriented Development Designation

On a motion by Vice Mayor Natarajan, seconded by Councilmember Harrison, the City Council approved:

Issue 1: Transit Oriented Development Designation

- New General Plan overlay designation
- Allows additional density / intensity within ½ mile of transit stations to encourage transit-oriented development
- Four areas: Fremont BART Station, future Irvington and South Fremont/ Warm Springs BART Stations, Centerville ACE station
- Separate Council vote required on this matter to avoid Conflict of Interest

Ayes: Mayor Wasserman , Vice Mayor Natarajan,
Councilmembers: Harrison and Dutra
Noes: None
Absent: None
Abstain: Councilmember Chan

On a motion by Vice Mayor Natarajan, seconded by Councilmember Chan, the City Council approved:

Issue 2: Historical Architectural Review Board (HARB) Recommendation

- Implementation 4-6.1.A: Demolition, Alteration or Relocation of Historic Resources
- Current City policy is that any building 50+ years old requires evaluation to determine if it is a potential historic resource
- Change proposed in GP would make “1955” the threshold and limit number of structures requiring evaluations
- HARB has recommended keeping the 50-year threshold and establishing a “mid-century context report” that would set criteria for evaluating future proposals.

Ayes: Mayor Wasserman , Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

Mayor Wasserman opened public hearing. Assemblymember Bob Wieckowski spoke in support of the General Plan. Mark Robson encouraged Council to evaluate the Riparian Corridor Policy and would like the evaluation based on the science, and biology, and the quality of the resource. There were no other speakers at this time. Mr. Schoenholz continued with presentation. Staff responded to questions from Councilmembers.

On a motion by Vice Mayor Natarajan, seconded by Councilmember Harrison, the City Council approved:

Issue 3: Planning Commission Recommendations

Adopt General Plan with several edits:

- Seek funding to prepare a transit plan
- Acknowledge continued need for road improvements
- Reference wheelchairs/ walkers in special needs transportation discussion
- Include high-end retail and fine dining restaurants in retail recruitment strategy
- Collaboration with schools (vs “coordination”)
- Place schools ahead of waste management in Chapter 9
- *Sense of the Commission* statement from the Planning Commission regarding an alternative vision:

Fremont will serve as a national model of how to achieve sustainability in both preserving its suburban identity while transitioning to a strategically urban, modern City.

- Kimber Study Area verbiage
- Minor clarifications proposed by staff
 - Eliminate Implementation 7-9.2.E (already covered by CAP)
 - Supplemental language on future monitoring of GHG emissions
 - Edit in response to Rec Commission comment

Ayes: Mayor Wasserman , Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra

Noes: None

Absent: None

Abstain: None

Mayor Wasserman opened public comment period. Nick Petredis, Roger Shanks and Steve Saray (representing Bella Vina) thanked Council for giving the development team the opportunity to work with the community in the Kimber Area. Christina Broadwin Sunil Dhar and Laird Matthews (representing Save Kimber Park) expressed a variety of concerns regarding development the Kimber Park area. There were no other speakers. Mayor closed public hearing. Staff responded to questions from Councilmembers. Councilmembers provided comment.

On a motion by Vice Mayor Natarajan, seconded by Councilmember Harrison, the City Council approved Green Sheet recommendations to the Kimber Study Area, including Exhibit A to Resolution Adopting the 2035 General Plan, included in the Green Sheet.

Ayes: Mayor Wasserman , Vice Mayor Natarajan,
Councilmember Harrison

Noes: Councilmember Dutra

Absent: None

Abstain: Councilmember Chan

On a motion by Councilmember Harrison, seconded by Vice Mayor Natarajan, the City Council approved the Parks and Recreation Element.

Ayes: Mayor Wasserman , Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council approved additional considerations to the General Plan.

Ayes: Mayor Wasserman , Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

The City Council adopted Resolution No. 2011-67 certifying the Environmental Impact Report (EIR) for the General Plan Update, adopted Resolution No. 2011-68 making the required findings and Statement of Overriding Considerations for the General Plan Update, and adopting the Mitigation Monitoring Reporting Program (MMRP), and adopted Resolution No. 2011-69 formally adopting the General Plan Update with changes recommended by staff (and any changes Council wishes to include that were recommended by Boards and Commissions).

- b. **Mayor Wasserman opened consideration of a Public Hearing (Published Notice; Display Ad) to Waive First Reading and Introduce an Ordinance to Consider Planning Commission Recommendation to Approve a Zoning Text Amendment to FMC Title VIII, Chapter 2, Article 20, Parking, Loading Areas and Regulations Pertaining to Vehicle Storage in Various Zoning Districts, to Allow Reductions in Required Parking for Affordable, Senior, and TOD Housing, as well as Reorganize the Section for Ease of Use**

Community Development Director Jeff Schwob provided an overview. Staff responded to questions from Councilmember. Councilmember Chan recused herself from this item.

On a motion by Councilmember Dutra, seconded by Councilmember Harrison, the City Council:

1. Held public hearing.
2. Found that the proposed Zoning Text Amendment (PLN2010-00139) is exempt from the California Environmental Quality Act (CEQA) under Guideline 15061(B)(3), because reduction in the number of required resident parking spaces does not have the potential to create a significant environmental impact.
3. Found the proposed Zoning Text Amendment is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the policies and actions set forth in the General Plan's Housing Element as enumerated within the staff report.

4. Found the public necessity, convenience, and general welfare require the adoption of this Zoning Text Amendment because it removes constraints to construct housing by targeted needs groups Citywide.
5. Waived full reading and introduced an ordinance, as amended, approving the proposed Zoning Text Amendment (PLN2010-00139).

Ayes: Mayor Wasserman , Vice Mayor Natarajan,
Councilmembers: Harrison and Dutra
Noes: None
Absent: None
Abstain: Councilmember Chan

c. Mayor Wasserman opened consideration of Re-authorization of the Clean Technology Business Tax Exemption

Economic Development Manager Christina Briggs, along with Economic Development Director Kelly Kline, provided an overview. Staff responded to questions from Councilmembers.

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council directed staff to draft an ordinance temporarily exempting clean technology firms from application of the Business License Tax through December 31, 2016; and to research and report back regarding the viability of offering a similar exemption to qualified biotechnology companies.

Ayes: Mayor Wasserman , Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

d. Mayor Wasserman opened consideration of a Public Hearing (Published Notice) to Consider a Resolution to Collect Development Fees at 50% of their Full Amounts in the Midtown District, 75% of their Full Amounts in the Central Business District and 90% of their Full Amounts Elsewhere in the City until December 31, 2012

Community Development Director Jeff Schwob provided an overview. There was a brief question and answer period.

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council:

1. Found that this action is exempt from the California Environmental Quality Act in accordance with Guideline 15273, Rate Restructuring or Modification, and because a temporary reduction in fees collected is not associated with potentially significant effects upon the environment.

2. Adopted Resolution No. 2011-70 to continue to collect Development Impact Fees at 50% of their full amounts in the Midtown District, 75% of their full amounts in the area formerly known as the Central Business District and 90% elsewhere in the City until December 31, 2012.

Ayes: Mayor Wasserman , Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

e. Mayor Wasserman opened consideration of a Public Hearing (Published Notice) To Consider a City-Initiated Special Study Concerning the Review and Approval Process for Large Family Day care Facilities

Associate Planner Amy Rakley will have a brief verbal presentation. Mayor Wasserman opened public comment period. Pat Snow spoke in opposition to staff's recommendation. Mayor Wasserman read a note from Ellen Dektar, representing Alameda County Child Care Planning Council, who had to leave, but they support the staff recommendation. There were no other speakers. Staff responded to questions from Councilmembers.

On a motion by Vice Mayor Natarajan, seconded by Councilmember Harrison, the City Council:

1. Held public hearing.
2. Directed staff to prepare an ordinance modifying the City's current permit process to establish large family day care facilities as accessory permitted uses in all residentially-zoned districts.

Ayes: Mayor Wasserman , Vice Mayor Natarajan,
Councilmembers: Harrison and Chan
Noes: Councilmember Dutra
Absent: None
Abstain: None

6. REPORT FROM CITY ATTORNEY – None.

7. OTHER BUSINESS – None.

8. COUNCIL COMMUNICATIONS

a. Council Referrals – None.

b. Oral Reports on Meetings and Events

Councilmember Harrison and Vice Mayor Natarajan reported on their Washington, D.C. trip.

9. ADJOURNMENT: There being no further business, Mayor Wasserman adjourned the meeting at 10:40 p.m. in Memory of former Councilmember and Mayor Geoff Steel.

Attest:

Approved:

Susan Gauthier, City Clerk

ANU NATARAJAN, Vice Mayor

**MINUTES
FREMONT CITY COUNCIL MEETING
DECEMBER 20, 2011
FREMONT CITY HALL
7:00 P.M.**

1. PRELIMINARY

- a. Call to Order:** Vice Mayor Natarajan called the meeting to order.
- b. Flag Salute:** Councilmember Harrison led the salute to the flag.
- c. Roll Call:** Present: Vice Mayor Natarajan, Councilmembers: Harrison, Chan and Dutra.
Absent: Mayor Wasserman
- d. Announcements by Vice Mayor/City Manager**

2. CONSENT CALENDAR

- * **a. Waive Reading of Ordinances:** The City Attorney read the titles of ordinances to be considered.

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council waived further readings of proposed ordinances.

Ayes: Vice Mayor Natarajan, Councilmembers: Harrison,
Chan and Dutra
Noes: None
Absent: Mayor Wasserman
Abstain: None

- * **b. Approval of Minutes – None.**
- * **c. Mayor Wasserman opened consideration of Authorization to Amend the Agreement with Project Sentinel for Landlord/Tenant Counseling Services for FY 2011/12**

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council authorized the City Manager to execute an Amendment to the existing City contract with Project Sentinel to incorporate Affordable Housing Funds in the amount of \$59,000, making the total contract amount \$218,000.

Ayes: Vice Mayor Natarajan, Councilmembers: Harrison,
Chan and Dutra
Noes: None
Absent: Mayor Wasserman
Abstain: None

*Consent Items

- * d. **Mayor Wasserman opened consideration to Appropriate \$381,040.14 and Authorize the Execution of an Agreement with One Workplace L. Ferrari, LLC for the Purchase and Installation of Audiovisual Systems in the City Council Chambers**

On a motion by Councilmember Harrison, seconded by Vice Mayor Natarajan, the City Council:

1. Appropriated \$381,040.14 in PEG fees from Fund 502 to PWC 8791.
2. Authorized the City Manager, or his designee, to execute an agreement with One Workplace L. Ferrari, LLC for the purchase and installation of audiovisual systems in the City Council Chambers in an amount not-to-exceed \$360,265.14, as described in the staff report, and to execute any implementing documents.

Ayes: Vice Mayor Natarajan, Councilmembers: Harrison,
Chan and Dutra
Noes: None
Absent: Mayor Wasserman
Abstain: None

- * e. **Mayor Wasserman opened consideration to Authorize the City Manager to Execute a Lease Amendment with Alameda County in Order to Relocate the Women, Infants and Children (WIC) Program Within the Fremont Family Resource Center**

This item was removed from Consent Calendar. Staff responded to questions from Councilmembers. There were no speakers.

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council authorized the City Manager or his designee to execute a lease amendment with Alameda County for space at the Fremont Family Resource Center in order to facilitate the relocation of the County's Women Infants and Children (WIC) office from Suite H-840 to Suite D-430, as described in the staff report.

Ayes: Vice Mayor Natarajan, Councilmembers: Harrison,
Chan and Dutra
Noes: None
Absent: Mayor Wasserman
Abstain: None

3. CEREMONIAL ITEMS – None.

4. PUBLIC COMMUNICATIONS

- a. **Oral and Written Communications – None.**

5. SCHEDULED ITEMS – None.

6. REPORT FROM CITY ATTORNEY – None.

*Consent Items

7. OTHER BUSINESS

a. Mayor Wasserman opened consideration of Adoption of a Resolutions Setting the Integrated Waste Management Collection Rates, Transfer Station Service Fees and Landfill Disposal Fees for January 2012 through December 2013

Kathy Cote provided a PowerPoint presentation. Vice Mayor Natarajan opened the public hearing. Staff responded to questions from Councilmember. There were no speakers. Vice Mayor closed the public hearing.

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council:

1. Adopted Resolution No. 2011-71 setting disposal fees at the Tri-Cities Recycling and Disposal Facility Landfill effective January 1, 2012, as shown in enclosure A of this report.
2. Adopted Resolution No. 2011-72 setting disposal fees at the Altamont Landfill effective January 1, 2012, as shown in enclosure B of this report.
3. Adopted Resolution No. 2011-73 setting service fees at the Fremont Recycling and Transfer Station effective January 1, 2012, as shown in enclosure C of this report.
4. Adopted Resolution No. 2011-74 setting Curbside Recycling Processing payment and Yardwaste Transfer fees at the Fremont Recycling and Transfer Station effective January 1, 2012, as shown in enclosure D of this report.
5. Adopted Resolution No. 2011-75 setting Solid Waste Collection rates effective January 1, 2012, as shown in enclosure E of this report.

Ayes:	Vice Mayor Natarajan, Councilmembers: Harrison, Chan and Dutra
Noes:	None
Absent:	Mayor Wasserman
Abstain:	None

b. Mayor Wasserman opened consideration of Proposed Refunding of 1998A Fixed Rate Certificates of Participation (COPs)

This item was added to the Consent Calendar.

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council:

1. Approve the issuance of the 2012 Fixed Rate Certificates of Participation with a principal amount not to exceed \$14,500,000, and approve the refunding of the existing 1998A Certificates of Participation.
2. Adopted Resolution No. 2011-76 authorizing the preparation and execution by the City officers and staff identified in the resolution of all documents required to complete the 2012 Fixed Rate Certificates of Participation transaction, including the following lease financing documents (which are and have been on file with the Office of the City Clerk)

- a. Site and Facility Lease
- b. Lease Agreement
- c. Trust Agreement with Union Bank, N.A.
- d. Termination Agreement with The Bank of New York Mellon Trust Company, N.A.
- e. Notice of Intention
- f. Notice of Sale
- g. Preliminary Official Statement

Ayes: Vice Mayor Natarajan, Councilmembers: Harrison,
Chan and Dutra
Noes: None
Absent: Mayor Wasserman
Abstain: None

c. Mayor Wasserman opened consideration of Proposed Refunding of Fire Safety Bond Projects General Obligation Bonds, Election of 2002, Series A

This item was added to the Consent Calendar.

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council:

1. Approve the issuance of the 2012 General Obligation Refunding Bonds with a principal amount not to exceed \$9,000,000, and approve the refunding of the existing Series A General Obligation Bonds, provided the present value savings to be realized by the City as a result of the issuance of the Refunding Bonds is not less than 3% of the Series A Bonds.
2. Adopted Resolution No. 2011-77 authorizing the preparation and execution by the City officers and staff identified in the resolution of all documents required to complete the 2012 General Obligation Refunding Bonds transaction, including the Preliminary Official Statement (which is and has been on file with the Office of the City Clerk) in connection with the 2012 General Obligation Refunding Bonds.

Ayes: Vice Mayor Natarajan, Councilmembers: Harrison,
Chan and Dutra
Noes: None
Absent: Mayor Wasserman
Abstain: None

8. COUNCIL COMMUNICATIONS

a. Council Referrals

Vice Mayor Natarajan Referral: Council directed staff to initiate a process to consider the original Macintosh factory located at 43233 Warm Springs Boulevard as a place of historic significance in Fremont and in addition, look at the process to consider a National Historic marker based on the historic significance of the site.

Ayes:	Vice Mayor Natarajan, Councilmembers: Harrison, Chan and Dutra
Noes:	None
Absent:	Mayor Wasserman
Abstain:	None

b. Oral Reports on Meetings and Events

Councilmembers reported on their various meetings and activities.

9. ADJOURNMENT: There being no further business, Mayor Wasserman adjourned the meeting at 7:45 p.m.

Attest:

Approved:

Nadine Nader, City Clerk

ANU NATARAJAN, Vice Mayor

**MINUTES
FREMONT CITY COUNCIL
SPECIAL MEETING
JANUARY 10, 2012
FREMONT CITY HALL
6:00 P.M.**

1. PRELIMINARY

1.1 Call to Order: Vice Mayor Natarajan called the meeting to order.

1.2 Flag Salute: Councilmember Chan led the salute to the flag.

1.3 Attendance: Present: Vice Mayor Natarajan, Councilmembers: Harrison, Chan and Dutra.

2. OPEN FORUM IN MEMORY OF MAYOR WASSERMAN

Congressman Pete Stark read a Congressional Record Memorial. Resolutions from Congressman Mike Honda, and Congresswoman Barbara Lee, will also be presented to Mrs. Wasserman. The following persons shared memories of Mayor Wasserman: Stephen Waterhouse, Cyndy Mozzetti, Nina Moore (who also read a letter from Chamber of Commerce President Cindy Bonior), John Rennels, Irene Koehler, Jeff Wald, Yogi Chugh, David Bonaccorsi, Bhupinder Bhoundoni, Louis Chicoine, Dr. Waheed Momand, Raj Salwan, Bruce Cates, John Smith, Michael McNevin, Pauline Weaver, Rich Godfrey, Dirk Lorenz and Laurie Manuel. Vice Mayor Natarajan accepted letters from the Mayors of San Carlos and Dublin and a proclamation from Assembly Member Bob Wieckowski. She read excerpts from a letter from Majority Leader Senator Ellen Korbut. City Manager Fred Dias, Vice Mayor Natarajan, Councilmember Chan, Councilmember Dutra and Councilmember Harrison each shared stories of Mayor Wasserman.

3. ADJOURNMENT

There being no further business, Vice Mayor Natarajan adjourned the meeting at 7:50 p.m.

Attest:

Approved:

Nadine Nader, City Clerk

ANU NATARAJAN, Vice Mayor

**MINUTES
FREMONT CITY COUNCIL MEETING
JANUARY 10, 2012
FREMONT CITY HALL
7:00 P.M.***

*Due to the length of the special meeting at 6:00 p.m. this meeting began at 8:00 p.m.

1. PRELIMINARY

- a. Call to Order:** Vice Mayor Natarajan called the meeting to order.
- b. Flag Salute:** Councilmember Chan led the salute to the flag.
- c. Roll Call:** Present: Vice Mayor Natarajan, Councilmembers: Harrison, Chan and Dutra.
- d. Announcements by Mayor/City Manager**

2. CONSENT CALENDAR

- * **a. Waive Reading of Ordinances:** The City Attorney read the titles of ordinances to be considered.

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council waived further readings of proposed ordinances.

Ayes:	Vice Mayor Natarajan, Councilmembers: Harrison, Chan and Dutra.
Noes:	None
Absent:	None
Abstain:	None

- * **b. Approval of Minutes**

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council approved the minutes for the Special and Regular Meetings of September 6, 2011, the Regular Meeting of September 13, 2011, the Special and Regular Meetings of September 20, 2011, the Special Meetings of October 3, 2011, the Regular Meeting of October 4, 2011, the Special and Regular Meetings of October 11, 2011, the Regular Meeting of October 18, 2011, the Regular Meeting of November 1, 2011, and the Regular Meeting of November 8, 2011.

Ayes:	Vice Mayor Natarajan, Councilmembers: Harrison, Chan and Dutra.
Noes:	None
Absent:	None
Abstain:	None

- * c. **Vice Mayor Natarajan opened consideration of Second Reading and Adoption of an Ordinance of the City of Fremont Amending Fremont Municipal Code Title VIII, Chapter 2, Article 20, Section 8-22003 Regarding Parking Standards for the Purpose of Modifying Certain Requirements and Clarifying Existing Regulations**

This item was removed from the Consent Calendar. Councilmember Chan recused herself due to a conflict of interest. Staff responded to questions from Councilmembers. Councilmembers provided comment.

On a motion by Councilmember Harrison, seconded by Councilmember Dutra, the City Council tabled the topic for future review.

Ayes: Vice Mayor Natarajan, Councilmembers: Harrison and Dutra.
Noes: None
Absent: None
Abstain: Councilmember Chan

- * d. **Vice Mayor Natarajan opened consideration of Authorization to Amend a Contract with Kaiser Permanente Medical Group, Inc., to Provide Baseline Medical Evaluation Services for Fire Department Wellness as Approved in the 2010 Assistance to Firefighters Grant**

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council authorized the City Manager or designee to amend the contract with the Kaiser Permanente Medical Group, Inc., for the provision of baseline medical evaluations from the current contract amount of \$90,000 to the total AFG grant award amount of \$120,900.

Ayes: Vice Mayor Natarajan, Councilmembers: Harrison, Chan and Dutra.
Noes: None
Absent: None
Abstain: None

- * e. **Vice Mayor Natarajan opened consideration of Authorization to Purchase Structural Turnouts from JAECO Fire and Safety with Proceeds from the 2010 Assistance to Firefighters Grant**

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council authorized the City Manager or designee to enter into an agreement with the lowest responsive and responsible bidder, JAECO Fire and Safety, to purchase turnouts at the bid-specified prices in an amount not to exceed \$244,915.91.

Ayes: Vice Mayor Natarajan, Councilmembers: Harrison, Chan and Dutra.
Noes: None
Absent: None
Abstain: None

* **f. Vice Mayor Natarajan opened consideration of Acceptance of the Fremont Redevelopment Agency's Annual Report of Financial Transactions and Housing Activities Report**

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council accepted the Redevelopment Agency Annual Report as submitted to the State Controller.

Ayes:	Vice Mayor Natarajan, Councilmembers: Harrison, Chan and Dutra.
Noes:	None
Absent:	None
Abstain:	None

3. CEREMONIAL ITEMS

- a. Presentation:** In Recognition of Outstanding Achievement in the Field of Historic Preservation for the Niles Cultural Banner Program

4. PUBLIC COMMUNICATIONS

- a. Oral and Written Communications**

5. SCHEDULED ITEMS – None.

6. REPORT FROM CITY ATTORNEY

7. OTHER BUSINESS

- a. Vice Mayor Natarajan opened consideration to Review and Comment on the Measure B3 Draft Transportation Expenditure Plan to Provide Direction to Fremont's Alameda County Transportation Commission Member**

Public Works Director Jim Pierson provided an overview. ACTC staff (Art Dao, Executive Director, and Tess Lengyl, Deputy Director) provided a PowerPoint presentation. Raj Salwan suggested Fremont Boulevard be included in the BRT plan. There were no other speakers. Staff responded to questions from Councilmembers. Councilmembers provided comment.

The City Council reviewed the Draft Measure B3 Transportation Expenditure Plan and its benefits for the City of Fremont and the Fremont community and provided direction to the City's ACTC representative, Councilmember Chan, on how to vote on the Plan at the ACTC meeting on January 26. Staff recommends the Council support the Draft TEP.

b. Vice Mayor Natarajan opened consideration of Information and Options for Council to Fill the Mayoral Vacancy

City Attorney Harvey Levine outlined options for Councilmembers consideration.
Councilmembers provided comment.

On a motion by Vice Mayor Natarajan, seconded by Councilmember Harrison, the City Council approved recruitment and scheduled two special meetings to appoint an applicant to fill the vacancy.

Ayes:	Vice Mayor Natarajan, Councilmembers: Harrison, Chan and Dutra.
Noes:	None
Absent:	None
Abstain:	None

c. Vice Mayor Natarajan opened consideration of Election to Become the Successor Agency and/or Successor Housing Agency to the Dissolving Redevelopment Agency

This item was added to the Consent Calendar.

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council adopted Resolution No. 2012-01, electing to serve as both the Successor Agency and Successor Housing Agency to the former Redevelopment Agency, and directing staff to file the appropriate notification of these elections in accordance with the Dissolution Act.

Ayes:	Vice Mayor Natarajan, Councilmembers: Harrison, Chan and Dutra.
Noes:	None
Absent:	None
Abstain:	None

8. COUNCIL COMMUNICATIONS

a. Council Referrals

COUNCILMEMBER DUTRA REFERRAL: As the Council is well aware, the City is changing from a suburban to more of an urban community and we will increasingly be called to make important decisions on infill lots regarding how these projects can best be designed for the future, while not completely destroying the look, feel and functionality of existing neighborhoods. This is especially sensitive with regard to interfaces between existing and new developments, particularly where two land uses of varying intensities come together. This doesn't imply that these projects need to mimic the surrounding properties, but they should be designed in a manner that are not completely out of context or have unrealistic parking requirements that can negatively impact a neighborhood. This may be a tough balance, but one that should be more formally and proactively analyzed by the Council. With this in mind, I

would suggest that staff be directed to put together a tour of recently constructed and approved projects that provide the City Council with good - and not so good - examples of how context, massing and parking are handled in "real world" project designs. I believe that the opportunity for the Council to actually see these projects will go a long way toward educating us on where an appropriate balance can be found between the very real concerns of neighbors and those that can be effectively addressed through actual parking usage and good project design.

On a motion by Councilmember Dutra, seconded by Vice Mayor Natarajan, the City Council approved a tour of development areas for the Council and Planning Commission.

Ayes:	Vice Mayor Natarajan, Councilmembers: Harrison, Chan and Dutra.
Noes:	None
Absent:	None
Abstain:	None

b. Oral Reports on Meetings and Events

Councilmembers reported on their various meetings and activities.

- 9. ADJOURNMENT:** There being no further business, Vice Mayor Natarajan adjourned the meeting at 10:20 p.m. in memory of Mayor Bob Wasserman.

Attest:

Approved:

Nadine Nader, City Clerk

ANU NATARAJAN, Vice Mayor

MINUTES
FREMONT CITY COUNCIL/REDEVELOPMENT AGENDA SPECIAL MEETING
JANUARY 17, 2012
FREMONT CITY HALL
6:30 P.M.

Call to Order: Vice Mayor Natarajan called the meeting to order.

Roll Call: Present: Vice Mayor Natarajan, Councilmembers: Harrison, Chan and Dutra

1. CONVENE TO A CLOSED SESSION

CONFERENCE WITH REAL PROPERTY NEGOTIATORS: This closed session is authorized by Government Code Section 54956.8 at the time and place stated above to confer with and grant authority regarding price and terms of payment to its real property negotiators.

Property Owner	Address	Parcel No.	Acres
Redevelopment Agency	37070 Fremont Blvd.	501-142600403	2.50
Redevelopment Agency	37120 Fremont Blvd.	501-142600601	.77
Redevelopment Agency	37156 Fremont Blvd	501-142600803	2.00
Redevelopment Agency	37196 Fremont Blvd.	501-142601002	.75
Redevelopment Agency	37122 Fremont Blvd.	501-142601100	.54
Redevelopment Agency	37218 Fremont Blvd.	501-142601203	.05

The Brown Act requires the negotiators (even when not attending the meeting) to be listed in this notice. Those negotiators are:

For the Agency—(which will be represented at the meeting) Elisa Tierney, Redevelopment Agency Director; Cliff Nguyen, Project Manager and Agency Attorney, Harvey Levine

For the Property Owner—(Not present at the meeting) Brad Blake

The Special Meeting of the Fremont City Council adjourned at 6:55 p.m..

Attest:

Approved:

Nadine Nader, City Clerk

ANU NATARAJAN, Vice Mayor

**MINUTES
FREMONT CITY COUNCIL MEETING
JANUARY 17, 2012
FREMONT CITY HALL
7:00 P.M.**

1. PRELIMINARY

- a. **Call to Order:** Vice Mayor Natarajan called the meeting to order.
- b. **Flag Salute:** Councilmember Dutra led the salute to the flag.
- c. **Roll Call:** Present: Vice Mayor Natarajan, Councilmembers: Harrison, Chan and Dutra.
- d. **Announcements by Vice Mayor/City Manager**

2. CONSENT CALENDAR

- * a. **Waive Reading of Ordinances:** The City Attorney read the titles of ordinances to be considered.

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council waived further readings of proposed ordinances.

Ayes:	Vice Mayor Natarajan, Councilmembers: Harrison, Chan and Dutra
Noes:	None
Absent:	None
Abstain:	None

- * b. **Approval of Minutes** – None.
- * c. **Vice Mayor Natarajan opened consideration of an amendment to Solid Waste Collection Agreement with Allied Waste Industries to Implement Collection Changes Designed to Improve Waste Diversion**

(This item was removed from the Consent Calendar). Staff responded to questions from Councilmembers.

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council authorized the City Manager, or his designee, to execute the Seventh Amendment to the Agreement for the Collection, Processing, and Disposal for Municipal Solid Waste, Recyclables and Organic Waste as described in the staff report.

Ayes:	Vice Mayor Natarajan, Councilmembers: Harrison, Chan and Dutra
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Noes: None
Absent: None
Abstain: None

*** d. Vice Mayor Natarajan opened consideration of a Recreation Commission Referral Regarding the Conversion of the Central Park Sand Volleyball Courts to a Multi-Use, Hard-Court and Junior Tennis Complex**

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council approved the concept plan for the sand volleyball court conversion to a multi-use, hard-court complex in Central Park.

Ayes: Vice Mayor Natarajan, Councilmembers: Harrison,
Chan and Dutra
Noes: None
Absent: None
Abstain: None

*** e. Vice Mayor Natarajan opened consideration of the Close Out of Completed Capital Projects**

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council:

1. Approved the close out of the capital projects identified on Enclosure B and return the remaining project appropriations to their respective funds.
2. Defund Congestion Management Air Quality (CMAQ) Fund 522 funds in the amount of \$29,220.55 from PWC 8523 Master Traffic Controller and \$126,910.29 from PWC 8589 Mowry Fiber Optic Cable.
3. Defund Congestion Management Authority/Bay Area Air Quality Management District (CMA/BAAQMD) Fund 523 funds in the amount of \$59,020.54 from PWC 8619 Signal Coordination.
4. Defund Traffic Impact Fee (TIF 531) funds in the amount of \$1,725,228.19 from PWC 8156 Washington Boulevard/Paseo Padre Parkway Grade Separation.
5. Defund Measure WW funds in the following amounts and return the defunded funds to Measure WW Fund 513: \$64,000 from PWC8766 Patterson House Foundation & Electrical; \$101,200 from PWC 8767 Irrigation Controllers for Parks; \$11 2,640 from PWC 8768 Well & Pump Replacement; \$95,000 from PWC 8777 Warm Springs Recreation Room & Restroom Replacement; and reduce the FY 2012/13 appropriation in the amounts of \$116,856 from Babbling Brook Cistern Renovation and \$92,091 from Brookvale Trail Asphalt to Concrete Conversion. Reduce planned allocation by \$84,117 for Central Park: Renovation of 2 Fields in FY 2013/14.
6. Approved a transfer of approximately \$26,510.34 from Fund 511 back to Fund 189 Recreation Operations and close out Fund 511.

Ayes: Vice Mayor Natarajan, Councilmembers: Harrison,
Chan and Dutra
Noes: None
Absent: None
Abstain: None

*** f. Vice Mayor Natarajan opened consideration of Redevelopment Agency Compliance with AB 936**

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council adopted Resolution No.2012-02 that has been prepared in compliance with AB 936 declaring that no loan forgiveness of the type described in AB 936 occurred during 2010 or 2011, and directed staff to submit a copy of such resolution to the State Controller.

Ayes: Vice Mayor Natarajan, Councilmembers: Harrison,
Chan and Dutra
Noes: None
Absent: None
Abstain: None

3. CEREMONIAL ITEMS – None.

4. PUBLIC COMMUNICATIONS

a. Oral and Written Communications – No Speakers.

5. SCHEDULED ITEMS

a. Vice Mayor Natarajan opened consideration of a Public Hearing (Published Notice) to a Consider Planning Commission Recommendation to Adopt a Resolution Approving the Bicycle Master Plan Update (PLN2005-00354)

(This item was added to the Consent Calendar)

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council:

1. Held a public hearing.
2. Adopted Resolution No. 2012-03 approving the City of Fremont Bicycle Master Plan Update.

Ayes: Vice Mayor Natarajan, Councilmembers: Harrison,
Chan and Dutra
Noes: None
Absent: None
Abstain: None

- b. **Vice Mayor Natarajan opened consideration of Public Hearing (Published Notice) to Consider a Planning Commission Recommendation to Approve a General Plan Amendment Expanding the Land Area Devoted to Service Industrial Land Use, and a Rezoning from Agricultural/Flood Combining District and Planned District P-2005-262(F) to Open Space/Flood Combining District and a New Planned District [P-2011-100(F)] Which Would Allow as Permitted and Conditional Uses a Biohazardous Waste Processing Facility, Mulch Processing and Sales of Finished Products, Concrete Recycling and Sales of Finished Products, and other Associated Waste Disposal and Recycling Services at the Former Tri-Cities Recycling and Disposal Facility, as well as a Preliminary Grading Plan and a Conditional Use Permit for Various Recycling and Recovery Operations**

(This item was added to the Consent Calendar)

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council held a public hearing and:

1. Adopted the Mitigated Negative Declaration and Mitigation Monitoring Program, and found this action reflects the independent judgment of the City of Fremont;
2. Found the project is consistent with the General Plan for the reasons enumerated in the staff report;
3. Adopted Resolution No. 2012-04 approving a General Plan Amendment for the subject property expanding the land area devoted to Service Industrial use as depicted in Exhibit "B" (Amended General Plan Land Use Map);
4. Introduced an Ordinance approving a rezoning of the subject property from Agricultural/Flood Combining District, A(F), and Planned District P-2005-262(F) to Open Space/Flood Combining District, O-S(F), and Planned District P-2011-100(F) as depicted in Exhibit "C" (Rezoning Map), as well as Preliminary and Precise Planned District P-2011-100(F) as shown on Exhibit "D" and the Planned District Regulations contained in Exhibit "F", based on the findings and subject to the conditions set forth in Exhibit "G";
5. Directed staff to prepare and the clerk to publish a summary of the ordinance;
6. Approved the Preliminary Grading Plan as shown on Exhibit "E", based on the findings and subject to the conditions set forth in Exhibit "H";
7. Approved the Conditional Use Permit authorizing the conditionally permitted uses of the Planned District, based on the findings and subject to the conditions set forth in Exhibit "I"; and
8. Approved the proposed removal and mitigation for 28 private, protected trees, pursuant to the Tree Preservation Ordinance and as described in the staff report and conditions of approval in Exhibit "G".

Ayes: Vice Mayor Natarajan, Councilmembers: Harrison,
Chan and Dutra
Noes: None
Absent: None
Abstain: None

6. REPORT FROM CITY ATTORNEY

7. OTHER BUSINESS

a. Vice Mayor Natarajan opened consideration of Authorization to Contract with the Alameda County Transportation Commission for the Tri-City Mobility Management Project

(This item was added to the Consent Calendar)

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council:

1. Authorized the City Manager or designee to execute a contract with Alameda CTC in the amount of \$114,500 for the Tri-City Mobility Management Program for Fiscal Years 2011/12 through 2012/13.
2. Approved appropriation of \$55,000 in FY2011/12 to Fund 178.

Ayes: Vice Mayor Natarajan, Councilmembers: Harrison,
Chan and Dutra
Noes: None
Absent: None
Abstain: None

b. Vice Mayor Natarajan opened consideration of Authorization to Execute a Contract Amendment with the Alameda County Transportation Improvement Authority for the Tri-City Travel Training Program

(This item was added to the Consent Calendar)

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council authorized the City Manager or designee to execute a contract amendment with ACTIA to extend the Tri-City Travel Training Program through December 31, 2014.

Ayes: Vice Mayor Natarajan, Councilmembers: Harrison,
Chan and Dutra
Noes: None
Absent: None
Abstain: None

8. COUNCIL COMMUNICATIONS

a. Council Referrals

VICE MAYOR NATARAJAN REFERRAL: Appointment and Reappointments to advisory bodies with terms expiring as follows:

Appointment:

<i>Advisory Body</i>	<i>Appointee</i>	<i>Term Expires</i>
Human Relations Commission	Dharminder Dewan	December 31, 2014

Reappointments:

<i>Advisory Body</i>	<i>Appointee</i>	<i>Term Expires</i>
Art Review Board	Carol Lawton	December 31, 2015
East Bay Regional Park District Liaison Committee	Frank Pirrone Larry Thompson (Alternate)	December 31, 2015 December 31, 2013
Economic Development Advisory Board	John J. Dutra (At Large) Nancy Lee (At Large)	December 31, 2015 December 31, 2015
Historical Architectural Review Board	David J. Price	December 31, 2015
Human Relations Commission	Beth Hoffman Veeru Vuppala Debra Watanuki	December 31, 2015 December 31, 2015 December 31, 2015
Planning Commission	Roman Reed	December 31, 2015
Recreation Commission	Frank Pirrone	December 31, 2015
Senior Citizens Commission	Robert Creveling Denise Churchill	December 31, 2015 December 31, 2015
Youth Advisory Commission	Griffin Sloves Rahil Hudda Mirai Shah Rhea Nayak Aniruddha Dayal Atreyi Saha	December 31, 2013 December 31, 2013 December 31, 2013 December 31, 2013 December 31, 2013 December 31, 2013

On a motion by Councilmember Dutra, seconded by Councilmember Chan, the City Council approved appointments and reappointments to advisory bodies.

Ayes: Vice Mayor Natarajan, Councilmembers: Harrison,
Chan and Dutra
Noes: None
Absent: None
Abstain: None

b. Oral Reports on Meetings and Events

Councilmembers reported on their various meetings and activities.

- 9. ADJOURNMENT:** There being no further business, Vice Mayor Natarajan adjourned the meeting at 7:25 p.m.

Attest:

Approved:

Nadine Nader, City Clerk

ANU NATARAJAN, Vice Mayor

**MINUTES
FREMONT CITY COUNCIL
SPECIAL MEETING
JANUARY 23, 2012
FREMONT CITY HALL
5:00 P.M.**

1. PRELIMINARY

- a. Call to Order:** Vice Mayor Natarajan called the meeting to order.
- b. Flag Salute:** Vice Mayor Natarajan led the salute to the flag.
- c. Attendance:** Present: Vice Mayor Natarajan, Councilmembers: Harrison, Chan and Dutra.

2. ORAL COMMUNICATIONS – None.

3. STAFF REPORTS

- a. Vice Mayor Natarajan opened consideration and discussion of Applications for the Mayoral Vacancy**
 - 1. City Council reviewed and discussed mayoral applications, ranked the applicants, and selected candidates to interview at a special meeting scheduled for Monday, January 30, 2012. Candidates are as follows:
 - David Bonaccorsi
 - Dirk Lorenz
 - Gus Morrison
 - Don Driggs
 - Beth Hoffman
 - Dan Wilkowsky
 - 2. Council reviewed and discussed potential interview questions.

4. ADJOURNMENT

There being no further business, Vice Mayor Natarajan adjourned the meeting at 5:35 p.m.

Attest:

Approved:

Nadine Nader, City Clerk

ANU NATARAJAN, Vice Mayor

**MINUTES
FREMONT CITY COUNCIL
SPECIAL MEETING
JANUARY 30, 2012
FREMONT CITY HALL
5:00 P.M.**

1. PRELIMINARY

- a. Call to Order:** Vice Mayor Natarajan called the meeting to order.
- b. Flag Salute:** Councilmember Harrison led the salute to the flag.
- c. Attendance:** Present: Vice Mayor Natarajan, Councilmembers: Harrison, Chan and Dutra.

2. STAFF REPORTS

- a. Vice Mayor Natarajan opened consideration of Mayoral Vacancy Applicant Interviews, Discussion and Possible Selection**

The Council interviewed the following applicants: Daniel Wilkowsky, Dirk Lorenz, David Bonaccorsi, Beth Hoffman, Gus Morrison, and Don Driggs. Applicants responded to questions throughout the interview. Vice Mayor Natarajan requested Council to rank the applicants from 1 to 6 (1 = top choice). Individual Council rankings as follows:

Applicant	Councilmember Chan	Councilmember Harrison	Vice Mayor Natarajan	Councilmember Dutra	Total
Gus Morrison	3	2	1	2	8
Dirk Lorenz	1	4	4	1	10
David Bonaccorsi	2	3	3	3	11
Dan Wilkowsky	4	1	5	4	14
Beth Hoffman	5	5	2	5	17
Don Driggs	6	6	6	6	24

City Clerk Nadine Nader read the results for the record. Councilmember Dutra nominated Gus Morrison. The City Council voted to appoint Gus Morrison as Mayor with a term expiring on December 2012.

Ayes: Vice Mayor Natarajan, Councilmembers: Harrison,
Chan and Dutra
Noes: None
Absent: None
Abstain: None

3. ORAL COMMUNICATIONS – None.

4. ADJOURNMENT

There being no further business, Vice Mayor Natarajan adjourned the meeting at 7:20 p.m.

Attest:

Approved:

Nadine Nader, City Clerk

ANU NATARAJAN, Vice Mayor

**MINUTES
FREMONT CITY COUNCIL AND HUMAN RELATIONS COMMISSION
JOINT SPECIAL MEETING
JANUARY 31, 2012
DOMINICAN SISTERS OF MISSION SAN JOSE
43326 MISSION BOULEVARD
FREMONT CALIFORNIA
4:30 P.M.**

Call to Order

Roll Call: City Council: Present: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra.
Commissioners: Present: Chair Hoffman, Vice Chair Smith,
Commissioners: Walsh, Leung, La, Watanuki, and Campbell
Absent: Commissioners: Vuppala and Dewan

Welcomed by Sister Gloria Marie Jones, Congregational Prioress, Dominican Sister, a brief walking tour and history of the Mission San Jose site.

1. **City Council and Commissioners reviewed the Human Relations Commission Annual Report**
2. **City Council and Commissioners discussed the following items 2012 Human Relations Commission Projects and Initiatives:**
 - Pride Parade
 - Make A Difference Day
 - Film Series
 - Human Relations Commission Award
 - Online Donation Portal
3. **ORAL COMMUNICATIONS – None.**
4. **ADJOURNMENT**

There being no further business, meeting adjourned at 6:00 p.m. for informal conversation and olive oil tasting.

Attest:

Approved:

Susan Gauthier, Deputy City Clerk

GUS MORRISON, Mayor

**MINUTES
FREMONT CITY COUNCIL MEETING
FEBRUARY 7, 2012
FREMONT CITY HALL
7:00 P.M.**

1. PRELIMINARY

- a. Call to Order:** Mayor Morrison called the meeting to order.
- b. Flag Salute:** Boy Scout Troop, Webelos 1, Den 10, Pack 132 led the salute to the flag.
- c. Roll Call:** Present: Mayor Gus, Vice Mayor Natarajan, Councilmembers: Harrison, Chan and Dutra.
- d. Announcements by Vice Mayor/City Manager**

Item 3.a taken out of order. Oath of Office and Installation of Newly Appointed Mayor, Gus Morrison. Sworn into office by his daughter Gloria Ritchie.

2. CONSENT CALENDAR

- * **a. Waive Reading of Ordinances:** The City Attorney read the titles of ordinances to be considered.

On a motion by Councilmember Harrison, seconded by Vice Mayor Natarajan, the City Council waived further readings of proposed ordinances.

Ayes:	Mayor Morrison, Vice Mayor Natarajan, Councilmembers: Harrison, Chan and Dutra
Noes:	None
Absent:	None
Abstain:	None

- * **b. Approval of Minutes – None.**
- * **c. Mayor Morrison opened consideration of Second Reading and Adoption of an Ordinance of the City of Fremont Rezoning Property located at 7010 Auto Mall Parkway (formerly the Tri-Cities Recycling and Disposal Facility) from Agricultural Flood Combining District and Planned District 2005-262(F) to Open Space Flood Combining District and Planned District P 2011-100(F)**

On a motion by Councilmember Harrison, seconded by Vice Mayor Natarajan, the City Council adopted Ordinance No. 01-2012.

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

- * d. **Mayor Morrison opened consideration of Approval of Plans and Specifications and Award of Contract to the Lowest Responsible Bidder for the Paseo Padre Parkway Electrolier Replacement Project from Fremont Boulevard to Decoto Road and from Thornton Avenue to Walnut Avenue, City Project No. 8293D (PWC)**

On a motion by Councilmember Harrison, seconded by Vice Mayor Natarajan, the City Council approved the plans and specifications, accepted the bid and awarded the construction contract for the Paseo Padre Parkway Electrolier Replacement Project from Fremont Boulevard to Decoto Road and from Thornton Avenue to Walnut Avenue, City Project No. 8293D (PWC), to the lowest responsible bidder, Republic ITS, Inc., in the amount of \$142,759.00, and authorize the City Manager or designee to execute the contract.

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

- * e. **Mayor Morrison opened consideration of Adoption of Updated Conflict of Interest Code for the City of Fremont**

On a motion by Councilmember Harrison, seconded by Vice Mayor Natarajan, the City Council adopted Resolution No. 2012-05 amending Fremont's Conflict of Interest Code as it relates to the Form 700 designated positions and the disclosure categories.

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

- * f. **Mayor Morrison opened consideration of a Resolution Authorizing Staff to Prepare an Application to the State of California Strategic Growth Council for an Update of the Zoning Code**

On a motion by Councilmember Harrison, seconded by Vice Mayor Natarajan, the City Council adopted Resolution No. 2012-06 authorizing an application for funding from the Sustainable Communities Planning Grant and Incentive Program.

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

- * g. **Mayor Morrison opened consideration of Adoption of a Resolution Approving the 2012 Alameda County Transportation Expenditure Plan (TEP) and Requesting the Alameda County Board of Supervisors Place it on the November 6, 2012 Ballot**

On a motion by Councilmember Harrison, seconded by Vice Mayor Natarajan, the City Council adopted Resolution No. 2012-07 approving the 2012 Alameda County Transportation Expenditure Plan (TEP) and requesting the Board of Supervisors place it on the November 6, 2012 ballot. The ballot measure supported by this plan, if approved by the voters, will augment and extend the existing half-cent sales tax for transportation in Alameda County. The measure will authorize an additional half-cent sales tax through 2022, and extend the full cent sales tax in perpetuity to fund the transportation programs and projects described in the 2012 TEP.

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

3. CEREMONIAL ITEMS

- a. **Oath of Office and Installation of Newly Appointed Mayor (this item taken prior to Consent Calendar)**
- b. **Presentation: Song Presentation in Honor of Chinese New Year by Ms. Daphne Leung's First Grade Mandarin Immersion Class from Azevada Elementary**

4. PUBLIC COMMUNICATIONS

- a. **Oral and Written Communications**

Doug Ford expressed concern for dissolution of Redevelopment and how that will affect affordable housing. Linda Susoev expressed a variety of concerns. Dave Campbell, Program Director for East Bay Bicycle Coalition, encouraged everyone to vote for Measure B at the November election and to participate in "Bike to Work Day" on May 10th. Wynn Grich (Fluoride Action Network & A.T.O.W.N.) expressed concern about the potential contamination of local drinking water.

5. SCHEDULED ITEMS

- a. **Mayor Morrison opened consideration of a Public Hearing (Published Notice) to Approve an Affordable Housing Plan Alternative for Persimmon Park to Allow for Purchase of 7 Existing Off-Site Housing Units for Sale to Low Income Households in Lieu of Providing On-Site Housing Units Affordable to Moderate Income Households**

Councilmember Dutra recused himself from this item. Senior Planner Kelly Diekmann provided a PowerPoint presentation. Mark Robson spoke representing Robson Homes regarding proposed Housing Plan Alternatives. There were no other speakers. Staff responded to questions from Councilmembers.

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council:

1. Held a Public Hearing.
2. Approved the proposed Affordable Housing Plan with a sales price calculated on a low-income household monthly cost basis with a down payment assistance loan and a requirement to have qualified homeowners purchase said units within 180 days of making the units available.

Ayes:	Mayor Morrison, Vice Mayor Natarajan, Councilmembers: Harrison and Chan
Noes:	None
Absent:	None
Abstain:	Councilmember Dutra

6. REPORT FROM CITY ATTORNEY

7. OTHER BUSINESS

- a. **Mayor Morrison opened consideration of a Resolution of Intent to Add a Second Retirement Tier Benefit to City CalPERS Contracts and Introduction of Enabling Ordinance**

Brian Stott provided a brief overview.

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council:

1. Adopted Resolution No. 2012-08, a Resolution of Intention, approving an amendment to the contract between the Board of Administration of the California Public Employees' Retirement System and the City Council of the City of Fremont.
2. Introduced an ordinance authorizing an amendment to the contract between the City Council of the City of Fremont and the Board of Administration of the California Public Employees' Retirement System.
3. Directed staff to prepare and the Clerk to publish a summary of the ordinance.

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

8. COUNCIL COMMUNICATIONS

a. Council Referrals

MAYOR MORRISON REFERRAL: Appointment to an Advisory Body

<i>Advisory Body</i>	<i>Appointee</i>	<i>Term Expires</i>
Youth Advisory Commission	Wanda Zhan	December 31, 2013

By consensus of Councilmembers present, Wanda Zhan was appointed to the Youth Advisory Commission.

b. Oral Reports on Meetings and Events

Councilmembers reported on their various meetings and activities.

9. ADJOURNMENT: There being no further business, Mayor Morrison adjourned the meeting at 9:10 p.m. in memory of former Recreation Commissioner Gene Toy.

Attest:

Approved:

Nadine Nader, City Clerk

GUS MORRISON, Mayor

**MINUTES
FREMONT CITY COUNCIL MEETING
FEBRUARY 14, 2012
FREMONT CITY HALL
7:00 P.M.**

1. PRELIMINARY

- a. **Call to Order:** Mayor Morrison called the meeting to order.
- b. **Flag Salute:** Councilmember Harrison led the salute to the flag.
- c. **Roll Call:** Present: Mayor Morrison, Vice Mayor Natarajan, Councilmembers: Harrison, Chan and Dutra.
- d. **Announcements by Mayor/City Manager**

2. CONSENT CALENDAR

- * a. **Waive Reading of Ordinances:** The City Attorney read the titles of ordinances to be considered.

On a motion by Vice Mayor Natarajan, seconded by Councilmember Harrison, the City Council waived further readings of proposed ordinances.

Ayes:	Mayor Morrison, Vice Mayor Natarajan, Councilmembers: Harrison, Chan and Dutra
Noes:	None
Absent:	None
Abstain:	None

- * b. **Approval of Minutes – None.**
- * c. **Mayor Morrison opened consideration of Authorization for the City Manager or His Designee to Execute a Construction and Maintenance Agreement with Union Pacific Railroad for the Construction and Maintenance of an At-grade Pedestrian/Bicycle and Service Vehicle Railroad Crossing at the UPRR/Mission Creek Junction in the Vicinity of Central Park and Gomes Park**

(This item removed from Consent Calendar). City Attorney Harvey Levine responded to questions from Councilmembers.

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council:

1. Authorized the City Manager or designee to execute a Construction and Maintenance Agreement with Union Pacific Railroad for the construction of an at-grade pedestrian/bicycle and service vehicle railroad crossing at the UPRR/Mission Creek junction in the vicinity of Central Park and Gomes Park.
2. Designated PWC8595, the City's traffic signal maintenance fund account, as the funding source for \$10,000 per year to cover the annual crossing signal maintenance and the incidental repair and maintenance cost of the crossing surface.

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

*** d. Mayor Morrison opened consideration of Approval to Increase Contract with Critical Solutions, Inc., for Construction Management Services and Contract with Overton Security Services for the Police Building Seismic Retrofit (City Project No. PWC8649)**

On a motion by Vice Mayor Natarajan, seconded by Councilmember Harrison, the City Council:

1. Authorized the City Manager or designee to approve Amendment No. 4 to the existing agreement for Police Department Seismic Retrofit Construction Management Services with Critical Solutions, Inc., for additional construction administration services in the amount not-to-exceed \$80,000, which will increase the total construction administration services contract to an amount not-to-exceed \$843,484.
2. Authorized the City Manager or designee to (1) approve Amendment No. 2 to the existing agreement for Police Department Seismic Retrofit Security Services with Overton Security Services for additional security services in the amount not-to-exceed \$67,000, which will increase the total security services contract to an amount not-to-exceed \$251,800.

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

*** e. Mayor Morrison opened consideration to Approve Plans and Specifications and Award a Construction Contract in the Amount of \$392,038 to Community Playgrounds, Inc.**

On a motion by Vice Mayor Natarajan, seconded by Councilmember Harrison, the City Council:

1. Approved the plans and specifications for the Tiny Tots Equipment Replacement project, City Project No. 8732 (PWC).

2. Rejected the bid from the lowest monetary bidder, Star Construction, Inc., as a non-responsive bid because it contains a nonwaivable irregularity.
3. Waived a minor irregularity and award the contract for the Tiny Tots Equipment Replacement project, City Project No. 8732 (PWC), to the second bidder, Community Playgrounds, Inc., in the amount of \$392,038 and authorize the City Manager or his designee to execute the contract.

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra

Noes: None

Absent: None

Abstain: None

- * f. **Mayor Morrison opened consideration of Approval to Authorize the City Manager or Designee to Amend the Streetlight and Exterior Facilities Light Maintenance Contract with Republic ITS (Siemens) for Additional Work in the Amount of \$300,000 for a New Not-To Exceed Amount of \$936,495 for FY 2011/12, and if Additional Work Above the New Not-To-Exceed Amount is Deemed Necessary this Fiscal Year, Authorize the City Manager or Designee to Further Increase the Not-To-Exceed Amount by up to an Additional \$350,000 for a Not-To-Exceed Amount of \$1,286,495**

(This item removed from Consent Calendar to receive a verbal update from Public Works Director Jim Pierson regarding copper thefts). Staff responded to questions from Councilmembers.

On a motion by Vice Mayor Natarajan, seconded by Councilmember Harrison, the City Council:

1. Authorized the City Manager or his designee to execute a contract amendment with Republic ITS (Siemens) in the amount of \$300,000 for additional streetlight and exterior public facilities lighting services for a new not to-exceed amount of \$936,495 for the 2011/12 fiscal year.
2. If additional work above the amended not-to-exceed amount is deemed necessary, and staff determines that using the current Contractor continues to be the most cost effective approach, authorized the City Manager or his designee to execute another contract amendment with Republic ITS (Siemens) in an amount up to \$350,000 for additional streetlight and exterior public facilities lighting services for a new not-to-exceed amount of \$1,286,495 for the 2011/12 fiscal year.

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra

Noes: None

Absent: None

Abstain: None

3. CEREMONIAL ITEMS – None.

*Consent Items

4. PUBLIC COMMUNICATIONS

- a. Oral and Written Communications – None.**

5. SCHEDULED ITEMS – None.

6. REPORT FROM CITY ATTORNEY – None.

7. OTHER BUSINESS

- a. Mayor Morrison opened consideration of Adoption of City Legislative Policies and Funding Priorities**

On a motion by Councilmember Harrison, seconded by Vice Mayor Natarajan, the City Council adopted the 2012 Legislative Policies and Funding Priorities, including changes from Councilmembers, and authorized the Mayor to convey the Legislative Policies and Funding Priorities to Assemblymember Wieckowski, Senator Corbett, and federal legislators.

Ayes:	Mayor Morrison, Vice Mayor Natarajan, Councilmembers: Harrison, Chan and Dutra
Noes:	None
Absent:	None
Abstain:	None

8. COUNCIL COMMUNICATIONS

Council Referrals

- a. Mayor Morrison opened consideration of Approval to Update to Council Assignments to Outside Commissions, Committees, or Boards**

On a motion by Councilmember Harrison, seconded by Vice Mayor Natarajan, the City Council adopted Resolution No. 2012-09 designating Council assignments to outside committees, commissions, and boards. This resolution modifies and replaces the resolution adopted by the Council on July 6, 2010.

Ayes:	Mayor Morrison, Vice Mayor Natarajan, Councilmembers: Harrison, Chan and Dutra
Noes:	None
Absent:	None
Abstain:	None

- b. Oral Reports on Meetings and Events – None.**

9. ADJOURNMENT: There being no further business, Vice Mayor Natarajan adjourned the meeting at 7:55 p.m.

Attest:

Approved:

Nadine Nader, City Clerk

GUS MORRISON, Mayor

**MINUTES
FREMONT CITY COUNCIL SPECIAL MEETING
FEBRUARY 21, 2012
FREMONT CITY HALL
6:30 P.M.**

Call to Order: Mayor Morrison called the meeting to order.

Roll Call: Present: Mayor Morrison, Vice Mayor Natarajan, Councilmembers: Harrison, Chan and Dutra

1. CONVENE TO A CLOSED SESSION

A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS: This Closed Session is authorized by Government Code Section 54956.8 at the time and place stated above to confer with and grant authority to its real property negotiators regarding price and terms as follows:

#	Owner	Street address	Parcel/ID	APN	Total Sq. Ft. Area to be Acquired
North Side of Warren Avenue					
1	UPRR	Warren Avenue / UPRR Corridor	1001a- 3,9,11	519-0950- 011	8,133
2	UPRR	Warren Avenue / UPRR Corridor	1003-3, -6, -8	519-0950- 011	6,749
3	UPRR	Warren Avenue / UPRR Corridor	3012-2	519-0950- 007-00	3,895
4	UPRR	Warren Avenue / UPRR Corridor	3026	519-0950- 010-00	2,634
South Side of Warren Avenue					
1	UPRR	Warren Avenue / UPRR Corridor	3005-2,-3,- 6,-7	519-1005- 029-00	7,547
2	UPRR	Warren Avenue / UPRR Corridor	3007a	519-1005- 31-01	1,045
3	UPRR	Warren Avenue / UPRR Corridor	3008a-4,-9,- 10	519-1005- 031-03	1,587

For the City – (which will be represented at the meeting); Randy Sabado, Real Property Manager; Norm Hughes, City Engineer and Harvey Levine, City Attorney

For the Property Owners – (which will not be represented at the meeting) Michael H. Wallenstein

The Special Meeting of the Fremont City Council adjourned at 6:55.

Attest:

Approved:

Nadine Nader, City Clerk

GUS MORRISON, Mayor

**MINUTES
FREMONT CITY COUNCIL MEETING
FEBRUARY 21, 2012
FREMONT CITY HALL
7:00 P.M.**

1. PRELIMINARY

- a. Call to Order:** Mayor Morrison called the meeting to order.
- b. Flag Salute:** Councilmember Chan led the salute to the flag.
- c. Roll Call:** Present: Mayor Morrison, Vice Mayor Natarajan, Councilmembers: Harrison, Chan and Dutra.
- d. Announcements by Mayor/City Manager**

2. CONSENT CALENDAR

- * **a. Waive Reading of Ordinances:** The City Attorney read the titles of ordinances to be considered.

On a motion by Councilmember Harrison, seconded by Vice Mayor Natarajan, the City Council waived further readings of proposed ordinances.

Ayes:	Mayor Morrison, Vice Mayor Natarajan, Councilmembers: Harrison, Chan and Dutra
Noes:	None
Absent:	None
Abstain:	None

- * **b. Approval of Minutes – None.**
- * **c. Mayor Morrison opened consideration to Authorize the City Manager to Execute a Contract with Abode Services for the Homeless Outreach for People Empowerment (HOPE) Project**

On a motion by Councilmember Harrison, seconded by Vice Mayor Natarajan, the City Council authorized the City Manager or designee to execute an agreement with Abode Services in the amount of \$280,146, effective July 1, 2011 through June 30, 2012, as set forth in the staff report.

Ayes:	Mayor Morrison, Vice Mayor Natarajan, Councilmembers: Harrison, Chan and Dutra
Noes:	None
Absent:	None
Abstain:	None

*Consent Items

* **d. Mayor Morrison opened consideration of Authorization to Amend the Agreement with Project Sentinel for Fair Housing and Landlord/Tenant Counseling Services for FY 2011/12**

On a motion by Councilmember Harrison, seconded by Vice Mayor Natarajan, the City Council:

1. Authorized the City Manager to execute an amendment to the existing City contract with Project Sentinel to replace the loss of redevelopment funding in the amount of \$40,800, making the total contract not-to-exceed amount \$199,800.
2. Appropriated up to \$18,800 of fund balance in Fund 053.

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

* **e. Mayor Morrison opened consideration of Award of Contract to Pierce Manufacturing, Inc., through its Dealer, Golden State Fire Apparatus, Inc., for the Purchase of one Air/Light Unit, one Water Tender and one Wildland Engine (Collectively, "Fire Apparatus") (PWC 8751)**

On a motion by Councilmember Harrison, seconded by Vice Mayor Natarajan, the City Council awarded a contract to Pierce Manufacturing, Inc., via its local dealer, Golden State Fire Apparatus, Inc., for the purchase of one Air/Light Unit, one Water Tender and one Wildland Engine, in the amount of \$1,150,574.87.

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

3. CEREMONIAL ITEMS – None.

4. PUBLIC COMMUNICATIONS

a. Oral and Written Communications

Linda Susoev expressed a variety of concerns.

5. SCHEDULED ITEMS – None.

6. REPORT FROM CITY ATTORNEY – None.

*Consent Items

7. OTHER BUSINESS

a. Mayor Morrison opened consideration of Final Presentation on and Accept South Fremont/Warm Springs Area Studies and Provide General Direction on Next Steps

Community Development Director Jeff Schwob and Economic Development Director Kelly Kline provided a power point presentation the following with consultants:

- Perkins + Will (Lead) : Mark Hoffheimer and Karen Alschuler
- EPS: James Musbach, TeiffionRice, Michael Nimon
- Strategic Economics: Dena Belzer,
- Fehr & Peers: Matt Haynes, Franziska Church
- BKF Engineers: Eric Girod

Staff and consultants responded to questions from Councilmembers. Mayor Morrison opened public comment. Nina Moore, representing the Fremont Chamber of Commerce, spoke in support of the focus on job creation for this study area. John J. Dutra expressed various concerns about the project area. Mark Murray encouraged Council to explore some restaurants, bars and nightlife for the area. Mark Robson, Robson Homes, expressed the need for flexibility in housing and job creation. Eric Morley, representing Warm Springs Station, LLC (the 36-acre property across from future Warm Springs BART Station), spoke in support of several aspects of the study. Erik Hallgrimson, , representing Warm Springs Station, LLC, expressed a variety of concerns. There were no other speakers. Another question and answer period followed.

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council:

1. Received final presentation on the South Fremont/Warm Springs Area Studies.
2. Accepted public comment on the Studies.
3. Accepted South Fremont/Warm Springs Area Studies.
4. Directed staff to begin preparation of a Community Plan for the South Fremont/Warm Springs Area utilizing secured Metropolitan Transportation Commission (MTC) funding for a Station Area Plan, and direct staff to seek additional funds from MTC for completion of the Plan and accompanying environmental review.
5. Provided additional input to staff, based on the South Fremont/Warm Springs Area Studies Economic and Market Strategic Plan, Infrastructure Cost and Analysis, and Financial Assessment to help guide the preparation of the Community Plan.

Ayes:	Mayor Morrison, Vice Mayor Natarajan, Councilmembers: Harrison, Chan and Dutra
Noes:	None
Absent:	None
Abstain:	None

- b. **Mayor Morrison opened consideration of Confirmation of Previous Decision to Request BART to Change the Warm Springs Station Name to "Fremont/Warm Springs" or Consider an Alternative Name and Provide Direction to Staff on the Name to Request for the Irvington BART Station**

Public Works Director Jim Pierson provided a verbal presentation and responded to questions from Councilmembers.

On a motion by Vice Mayor Natarajan, seconded by Councilmember Harrison, the City Council provided direction to staff on the Council's preferred names for the Warm Springs and Irvington BART stations for staff to convey to BART.

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

8. COUNCIL COMMUNICATIONS

a. Council Referrals

a.1 Mayor Morrison opened consideration of Appointments to Advisory Bodies

By consensus, the City Council appointed:

<u>Advisory Body</u>	<u>Appointee</u>	<u>Term Expires</u>
Library Advisory Commission	Joe Samagond	December 31, 2014
Planning Commission	Ed Pentaleri	December 31, 2015
Successor Agency Oversight Board	(Representing FAME) Randy Sabado (Mayor's appointment) David Bonaccorsi	

a.2 Mayor Morrison opened consideration of COUNCILMEMBER HARRISON

REFERRAL: Request that City Council Support Tri-City Voice's legal action to be named a newspaper of "General Circulation" for Fremont."

On a motion by Councilmember Harrison, seconded by Councilmember Dutra, the City Council directed the City Attorney to prepare documents to support the Tri-City Voice.

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

b. Oral Reports on Meetings and Events

Councilmembers reported on their various meetings and activities.

- 9. ADJOURNMENT:** There being no further business, Vice Mayor Natarajan adjourned the meeting at 9:25 p.m.

Attest:

Approved:

Nadine Nader, City Clerk

GUS MORRISON, Mayor

**MINUTES
FREMONT CITY COUNCIL MEETING
MARCH 6, 2012
FREMONT CITY HALL
7:00 P.M.**

1. PRELIMINARY

- a. Call to Order:** Mayor Morrison called the meeting to order.
- b. Flag Salute:** Girl Scouts led the salute to the flag.
- c. Roll Call:** Present: Mayor Morrison, Vice Mayor Natarajan, Councilmembers: Harrison, Chan and Dutra.
- d. Announcements by Mayor/City Manager**

2. CONSENT CALENDAR

- * **a. Waive Reading of Ordinances:** The City Attorney read the titles of ordinances to be considered.

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council waived further readings of proposed ordinances.

Ayes:	Mayor Morrison, Vice Mayor Natarajan, Councilmembers: Harrison, Chan and Dutra
Noes:	None
Absent:	None
Abstain:	None

- * **b. Approval of Minutes – None.**
- * **c. Mayor Morrison opened consideration of Appropriation of \$450,000 of Additional Funding to the Osgood Road Improvement Project between Washington Boulevard and Auto Mall Parkway, City Project No. 8173 (PWC)**

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council:

1. Appropriated unallocated gas tax funding from Fund 135 in the amount of \$450,000 to 135PWC8173, the Osgood Road Improvement Project, City Project No. PWC 8173.
2. Authorized the City Manager or his designee to appropriate any PG&E claim reimbursement or additional federal STP funds received for this project to PWC 8173 and return unused gas tax appropriations to the original source.

*Consent Items

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

*** d. Mayor Morrison opened consideration of Approval of Master Programs Funding Agreement Between the Alameda County Transportation Commission (ACTC) and the City of Fremont**

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council approved a 10-year Master Programs Funding Agreement (MPFA) between the Alameda County Transportation Commission (ACTC) and the City of Fremont to replace the existing MPFA agreement between the Alameda County Transportation Improvement Authority (ACTIA) and the City of Fremont that expires on March 31, 2012; and authorize the City Manager or his designee to execute the new MPFA. The new agreement will serve as the contract for distribution and receipt of current Measure B transportation sales tax revenues and new Vehicle Registration Fee revenues.

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

*** e. Mayor Morrison opened consideration to Appropriate the Fiscal Year 2011/12 TFCA Grant Funds of \$256,000 to PWC 8795 for the Signal Retiming Project on Fremont Boulevard, Decoto Road, Paseo Padre Parkway, and Alvarado Boulevard**

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council accepted and authorized appropriation of \$256,000 of grant funds awarded to the City from TFCA to 523PWC8795 (TFCA 11-12 Signal Retiming- North Fremont Arterial Management on Fremont Boulevard, Decoto Road, Paseo Padre Parkway, and Alvarado Boulevard.

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

*** f. Mayor Morrison opened consideration to Authorize the City Manager to Execute a Weed and Waste Abatement Contract with Imhof Tractor Services, Inc.**

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council:

1. Authorized the City Manager or his designee to enter into an agreement with Imhof Tractor Services, Inc., for weed and waste abatement services in an amount not to exceed \$162,500 for basic services in any calendar year through December 31, 2014, with a total contract value not-to-exceed \$325,000 for basic services, and not to exceed \$50,000 for unanticipated additional services during the initial contract term; and March 6, 2012
Fremont City Council Page 5
2. Authorized the City Manager or his designee, at the City Manager's discretion, to approve and execute up to two one-year extensions to the contract with Imhof Tractor Services, Inc., for weed and waste abatement services in an amount not to exceed \$170,625 for the first one-year extension, and an amount not to exceed \$179,156 for the second one-year extension, plus any remaining additional services funds not expended in the initial contract term.

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

*** g. Mayor Morrison opened consideration of Introduction of an Ordinance Amending Council Payroll from Monthly to Bi-weekly**

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council:

1. Introduce an ordinance authorizing an amendment to the City's Municipal Code Section 2-1103 to convert the Mayor and City Council payroll from the current monthly pay cycle to the regular bi-weekly cycle.
2. Direct staff to prepare and the Clerk to publish a summary of the ordinance.

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

*** h. Mayor Morrison opened consideration of Initiation of Proceedings to Consider a General Street Vacation to Abandon a Portions of Gateway Boulevard and Lakeview Drive and Adjacent Easements Located at the Easterly Terminus of Gateway Boulevard Between Lakeview Drive and Interstate 880 in the Bayside Industrial Community Plan Area.**

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council adopted a motion initiating general street vacation proceedings pertaining to portions of Lakeview Drive and Gateway Boulevard and adjacent easements and direct the City Clerk to set and publicly notice a public hearing to be held on April 3, 2012.

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

*** i. Mayor Morrison opened consideration of Approval of Annex to ABAG's Multi-Jurisdictional Local Hazard Mitigation Planning Report, as Required by FEMA**

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council approved Resolution No. 2012-10 adopting the Association of Bay Area Governments' (ABAG) report, "Taming Natural Disasters," as supplemented by the City of Fremont LHMP Annex (including the City of Fremont Hazard Mitigation Strategies), as the City of Fremont's Local Hazard Mitigation Plan. As of the writing of this report, the Federal Emergency Management Agency (FEMA) has yet to review and approve the City's Annex to the 2010 ABAG Local Hazard Mitigation Plan. Although FEMA review and approval is pending, ABAG recommends seeking Council approval now, so the City's Annex can be approved before the deadline of June 30, 2012. City Council approval will be conditional, pending FEMA approval.

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

3. CEREMONIAL ITEMS

- a. Proclamation: Girl Scouts' Week in Commemoration of the 100th Anniversary of Girl Scouts of the USA**

4. PUBLIC COMMUNICATIONS

- a. Oral and Written Communications**

Linda Susoev expressed a variety of concerns. Wynn Grcich (Fluoride Action Network & A.T.O.W.N.) expressed concern about the potential contamination of local drinking water.

5. SCHEDULED ITEMS – None.

6. REPORT FROM CITY ATTORNEY

7. OTHER BUSINESS

- a. **Mayor Morrison opened consideration of Introduction of an Ordinance to Amend the Fremont Municipal Code Title V, Chapter 1, to Re-establish an Exemption from Payment of Business Taxes for a Defined Period of Time for Clean Technology Businesses, and to also Include Qualified Biotechnology Companies**

Nina Moore, Fremont Chamber of Commerce, spoke in support of the business tax extension. Economic Development Director Kelly Kline responded to questions from Councilmembers.

On a motion by Councilmember Harrison, seconded by Vice Mayor Natarajan, the City Council:

1. Hold Public Hearing
2. Find the project exempt from the California Environmental Quality Act under Guideline 15061(b)(3).
3. Introduce an ordinance amending Section 5-1107 of the Fremont Municipal Code to establish a business tax exemption for Clean March 6, 2012 Fremont City Council Page 7
4. Technology and Biotechnology Businesses until December 31, 2016. Once approved for the exemption, it can be claimed by qualifying clean technology and biotechnology firms for up to 5 years for a new company and up to 2 years for an existing company.
5. Direct staff to prepare and the Clerk to publish a summary of the ordinance

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

- b. **Mayor Morrison opened consideration of Ssecond Reading and Adoption of an Ordinance to Amend the City's CalPERS Plans to Implement a Second, Lower Tier Retirement Benefit**

On a motion by Councilmember Harrison, seconded by Vice Mayor Natarajan, the City Council adopted Ordinance No. 02-2012 authorizing an amendment to the contract between the City Council of the City of Fremont and the Board of Administration of the California Public Employees' Retirement System, implementing the second tier retirement benefit as described in the staff report.

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

c. Mayor Morrison opened consideration of Consideration of Adoption of a Resolution of Necessity Authorizing Filing of Eminent Domain Action to Acquire Property Owned by Union Pacific Railroad Company on Warren Avenue

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council:

1. Conduct a hearing.
2. Adopt Resolution No. 2012-11, a Resolution of Necessity making the findings, determine that the public interest and necessity require the acquisition of the subject properties, and authorize the commencement of eminent domain proceedings.

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

d. Mayor Morrison opened consideration of an Update on the Status of the FY 2011/12 Operating Budget and Outlook for FYs 2012/13, 2013/14 and 2014/15

City Council received information and provided comment to staff.

8. COUNCIL COMMUNICATIONS

a. Council Referrals – None.

b. Oral Reports on Meetings and Events

Councilmembers reported on their various meetings and activities.

9. SUCCESSOR AGENCY

a. Mayor Morrison opened consideration of Adoption of an Enforceable Obligation Payment Schedule, Approving the Recognized Obligation Payment Schedule, Making Certain Determinations Regarding Separate Assets and Liabilities of the Successor Agency, and Directing the City Manager to Take all Actions Necessary to Effectuate Associated Requirements of ABX1 26

On a motion by Vice Mayor Natarajan, seconded by Councilmember Harrison, the City Council adopted Resolution No. SA-2012-1 of the City Council, in the capacity as governing board of the Successor Agency to the former Redevelopment Agency, including the following:

- (1) Adopting an Enforceable Obligation Payment Schedule (EOPS);
- (2) Approving the Recognized Obligation Payment Schedule (ROPS);

- (3) Making certain determinations and directions regarding the separate assets and liabilities of the Successor Agency; and
(4) Authorizing the City Manager or his designee to take such actions and execute such other documents as are appropriate to effectuate the intent of the resolution and all actions necessary to effectuate associated requirements of the Dissolution Act.

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

10. ADJOURNMENT: There being no further business, Vice Mayor Natarajan adjourned the meeting at 8:55 p.m.

Attest:

Approved:

Nadine Nader, City Clerk

GUS MORRISON, Mayor

**MINUTES
FREMONT CITY COUNCIL MEETING
MARCH 20, 2012
FREMONT CITY HALL
7:00 P.M.**

1. PRELIMINARY

- a. Call to Order:** Mayor Morrison called the meeting to order.
- b. Flag Salute:** Councilmember Harrison led the salute to the flag.
- c. Roll Call:** Present: Mayor Morrison, Vice Mayor Natarajan, Councilmembers: Harrison, Chan and Dutra.
- d. Announcements by Mayor/City Manager**

2. CONSENT CALENDAR

- * **a. Waive Reading of Ordinances:** The City Attorney read the titles of ordinances to be considered.

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council waived further readings of proposed ordinances.

Ayes:	Mayor Morrison, Vice Mayor Natarajan, Councilmembers: Harrison, Chan and Dutra
Noes:	None
Absent:	None
Abstain:	None

- * **b. Approval of Minutes – None.**
- * **c. Mayor Morrison opened consideration of Second Reading and Adoption of an Ordinance of the City of Fremont Amending Fremont Municipal Code Section 2-1103 Relating to City Council Payroll Processing**

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council adopted Ordinance No. 03-2012.

Ayes:	Mayor Morrison, Vice Mayor Natarajan, Councilmembers: Harrison, Chan and Dutra
Noes:	None
Absent:	None
Abstain:	None

- * d. **Mayor Morrison opened consideration of Second Reading and Adoption of an Ordinance of the City of Fremont Amending Fremont Municipal Code Title V, Chapter 1, to give Clean Technology and Biotechnology Businesses a Temporary Exemption from Payment of Business Taxes**

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council adopted Ordinance No. 04-2012.

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

- * e. **Mayor Morrison opened consideration of Approval of Additional Change Order Authority of \$12,000 for the 2011 Slurry Seal Project, City Project No. 8240-C (PWC)**

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council increased the City Manager's change order authority by \$12,000 for the City's Slurry Seal contract with Bond Blacktop, thereby allowing staff to make the final payment to the contractor and close out the contract.

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

- * f. **Mayor Morrison opened consideration of Authorization for the City Manager to Execute a FY 2011/12 and FY 2012/13 Contract with Abode Services for the Rental Housing Subsidies HOPE Rapid Re-Housing Program (Formerly Winter Relief Program) and Appropriate \$50,000 in FY 2011/12 HOME Funds to the Rapid Re-Housing Program**

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council:

1. Authorized the City Manager or designee to enter into an agreement in the amount of \$100,000 with Abode Services for FY 2011/12 and FY 2012/13, the second year of which is contingent upon adoption of the FY 2012/13 operating budget, in compliance with all applicable requirements of the HOME Program and of the federal Department of Housing and Urban Development, and to execute any other implementing documents.
2. Appropriated \$50,000 in HOME funds to account 103.HHD.6115, HOPE Rapid Re-Housing Program, for FY 2011/12, and allocate \$50,000 in HOME funds for the HOPE Rapid Re-Housing Program for FY 2012/13, contingent upon the adoption of the FY 2012/13 operating budget.

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

* **g. Mayor Morrison opened consideration to Reject All Bids for Heating Ventilation and Air Conditioning Units Replacement at Fremont Main Library (City Project No. PWC 8754)**

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council rejected all bids and authorized staff to rebid the construction contract for the HVAC Units Replacement at the Main Library, City Project No. 8754 (PWC).

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

* **h. Mayor Morrison opened consideration of an Annual Report on the Status of the General Plan and Housing Element**

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council:

1. Held public hearing
2. Found the Annual Report is not subject to the requirements of the CEQA per CEQA Guidelines Section 15378(b)(5), definition of a "project".
3. Found that the Annual Report of the General Plan and Housing Element and Exhibit A accurately depict the current status of the City of Fremont with respect to the General Plan and Housing Element and direct staff to submit required materials to the appropriate agencies.

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

* **i. Mayor Morrison opened consideration of Approval of Final Map, Agreements for Construction of Public Improvements (Harvard Court) and Private Improvements (Harvard Common), and Dedication of Public Easements for Tract 8052**

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council adopted Resolution No. 2012-12:

1. Approving the Final Map and the Improvement Plans for Tract 8052.
2. Approving the Agreement for Public Improvements entitled “Improvement Agreement, Public Street Improvements, Tract 8052”, with the developer, Robson Homes, LLC., a California limited liability company, and authorizing the City Manager to execute the agreement on behalf of the City.
3. Approving the Agreement for Private Improvements entitled “Improvement Agreement, Private Street Improvements, Tract 8052”, with the developer, Robson Homes, LLC., a California limited liability company, and authorizing the City Manager to execute the agreement on behalf of the City.
4. Accepting the developer’s offer of dedication of easements, as identified on the Final Map, provided that the acceptance of the offer of dedication of easements for public streets, highways, rights-of-way, and public utilities shall be conditioned upon the developer’s completion of improvements to the satisfaction of the City Engineer.

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison and Chan
Noes: None
Absent: None
Abstain: Councilmember Dutra

3. CEREMONIAL ITEMS

- a. **Resolution: Honoring Ruby Wun for 30 Years of Service**

4. PUBLIC COMMUNICATIONS

- a. **Oral and Written Communications**

Rena Kkehn, Niles Essanay Silent Film Museum, shared that they were celebrating the 100th Anniversary on April 1st. Dan Ashbrook, Director of Lavender Seniors of the East Bay, spoke in support of a proclamation that was provided to the Human Relations Commission. Miram Keller, League of Women Voters, encouraged citizens to become involved in their government. Christina Broadwin, Save Kimber Park and Protect Fremont Open Space Committee, provided information regarding the study area community meetings. May M. Lee expressed concerns about parking issues on Stanford Avenue and provided a petition to the City Clerk. Edward Wusterhoff, Save Kimber Park, provided an update on the developer-led workshops. Linda Susoev expressed a variety of concerns.

5. SCHEDULED ITEMS – None.

6. REPORT FROM CITY ATTORNEY – None.

7. OTHER BUSINESS

a. **Mayor Morrison opened consideration of Fremont Detention Facility Alternative Confinement (“Pay-to-Stay”) Program and Adoption of a Resolution Setting Corresponding Rates**

On a motion by Councilmember Harrison, seconded by Vice Mayor Natarajan, the City Council approved the creation of an Alternative Confinement (“Pay-to-Stay”) program at the Fremont Detention Facility, and adopted Resolution No. 2012-13 establishing a one-time administrative processing fee of \$45 per participant, and a daily rate of \$155 per participant.

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

b. **Mayor Morrison opened consideration of Proposed Refunding of City of Fremont 2001 and 2001B Variable Rate Demand Certificates of Participation (COPs)**

On a motion by Councilmember Harrison, seconded by Vice Mayor Natarajan, the City Council:

1. Approved the issuance of the 2012 Variable Rate Certificates of Participation with a principal amount not to exceed \$35,000,000, and approve the refunding of the existing 2001 and 2001B Certificates of Participation.
2. Adopted Resolution No. 2012-14 authorizing the preparation and execution by the City officers and staff identified in the resolution of all documents required to complete the 2012 Variable Rate Certificates of Participation transaction, including the following lease financing documents (which are and have been on file with the Office of the City Clerk) in connection with the 2012 Variable Rate Certificates of Participation:
 - a. Site and Facility Lease
 - b. Lease Agreement
 - c. Trust Agreement with Union Bank
 - d. Reimbursement Agreement with Wells Fargo Bank
 - e. Remarketing Agreement with U.S. Bank
 - f. Certificate Purchase Agreement with U.S. Bank
 - g. Official Statement
 - h. Other administrative documents incidental to the transaction

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

8. COUNCIL COMMUNICATIONS

a. Council Referrals

1. MAYOR MORRISON REFERRAL: Appointments to advisory bodies

By consensus, the City Council appointed:

Appointments:

<i>Advisory Body</i>	<i>Appointee</i>	<i>Term Expires</i>
Historical Architectural Review Board	Rajesh Verma	December 31, 2015
Historical Architectural Review Board	Moina Shaiq	December 31, 2015
Historical Architectural Review Board	Alta Jo Adamson	December 31, 2013
Economic Development Advisory Commission (Commercial/Industrial)	Deep Chakraborty	December 31, 2014
Economic Development Advisory Commission (Commercial/Industrial)	Ruth Chao	December 31, 2013

2. COUNCILMEMBER HARRISON REFERRAL: I am proposing that we direct staff to name the Fremont Police building after Retired Fremont Police Chief and former Mayor, Bob Wasserman. Bob Wasserman served the people of Fremont since 1976, when he was appointed chief of police; he was elected to the City Council in 1992 and was elected mayor in 2004. Chief Wasserman was instrumental in building the Fremont Police Department to the outstanding department it is at now.

Mayor Wasserman brought his 40 years of law enforcement experience to the City Council. As a Councilmember and continuing as Mayor, Bob Wasserman brought a fair, rational and balanced approach to City Government. As the HRC recently noted, he also embraced social justice--appointing commissioners from many backgrounds and encouraging social and religious pluralism--guiding Fremont as it transformed into a multi-cultural city.

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council approved naming the Fremont Police building after Retired Fremont Police Chief and former Mayor, Bob Wasserman.

Ayes:	Mayor Morrison, Vice Mayor Natarajan, Councilmembers: Harrison, Chan and Dutra
Noes:	None
Absent:	None
Abstain:	None

b. Oral Reports on Meetings and Events

Councilmembers reported on their various meetings and activities.

9. SUCCESSOR AGENCY – None.

10. ADJOURNMENT: There being no further business, Vice Mayor Natarajan adjourned the meeting at 8:10 p.m.

Attest:

Approved:

Nadine Nader, City Clerk

GUS MORRISON, Mayor

**MINUTES
FREMONT CITY COUNCIL SPECIAL MEETING
APRIL 3, 2012
FREMONT CITY HALL
6:30 P.M.**

Call to Order: Mayor Morrison called the meeting to order.

Roll Call: Present: Mayor Morrison, Vice Mayor Natarajan, Councilmembers: Harrison, Chan and Dutra

1. CONVENE TO A CLOSED SESSION

A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

This Closed Session is authorized by subdivision (a) of Section 54956.9 of the Government Code and will pertain to existing litigation in one matter.

City of Fremont v. Kato Associates, LLC, Case No. RG09489540

The Special Meeting of the Fremont City Council adjourned at 6:55 p.m.

Attest:

Approved:

Nadine Nader, City Clerk

GUS MORRISON, Mayor

**MINUTES
FREMONT CITY COUNCIL MEETING
APRIL 3, 2012
FREMONT CITY HALL
7:00 P.M.**

1. PRELIMINARY

- a. Call to Order:** Mayor Morrison called the meeting to order.
- b. Flag Salute:** Vice Mayor Natarajan led the salute to the flag.
- c. Roll Call:** Present: Mayor Morrison, Vice Mayor Natarajan, Councilmembers: Harrison, Chan and Dutra.
- d. Announcements by Mayor/City Manager**

2. CONSENT CALENDAR

- * **a. Waive Reading of Ordinances:** The City Attorney read the titles of ordinances to be considered.

On a motion by Vice Mayor Natarajan, seconded by Councilmember Chan, the City Council waived further readings of proposed ordinances.

Ayes:	Mayor Morrison, Vice Mayor Natarajan, Councilmembers: Harrison, Chan and Dutra
Noes:	None
Absent:	None
Abstain:	None

- * **b. Approval of Minutes – None.**

3. CEREMONIAL ITEMS – None.

4. PUBLIC COMMUNICATIONS

- a. Oral and Written Communications**

Paul Gumina, an attorney for Bella Vina, LLC, shared that they had submitted a second summary update to the Planning Department for the Kimber Study Area. Mark Wedley expressed concerns for vaccinated animals.

5. SCHEDULED ITEMS

- a. **Mayor Morrison opened consideration of a Public Hearing (Published and Posted Notice) to Consider a General Street and Easement Vacation affecting 1.45 Acres of Land Located at the Easterly Terminus of Gateway Boulevard between Interstate 880 and Lakeview Boulevard in the Bayside Industrial Community Plan Area (PLN2012-00086)**

*This item added to Consent Calendar

On a motion by Vice Mayor Natarajan, seconded by Councilmember Chan, the City Council:

1. Held a public hearing.
2. Found the proposed General Vacation (PLN2012-00086), as depicted and described on Exhibit "A," is in conformance with the General Plan for the reasons stated in the body of this report.
3. Found PLN2012-00086, as depicted and described on Exhibit "A," fulfills the applicable criteria set forth in Section 8324 of the Streets and Highways Code in that the portions of Gateway and Lakeview Boulevards and associated easements to be vacated are not now, nor will they in the future, be required for public street or easement purposes.
4. The General Vacation shall conform to Exhibit "A."
5. Adopted Resolution No. 2012-15 conditionally vacating the portions of Gateway and Lakeview Boulevards and associated easements and reserving landscape and public utility easements as described and depicted in Exhibit "A." The vacation is conditional and shall not be recorded or effective until all of the following have occurred:
 - a. The applicant shall obtain appropriate permits for and complete the following work: demolish the existing street improvements within the vacated portion of Gateway and Lakeview Boulevards; and install complete street improvements along Lakeview Boulevard (across the former Gateway Boulevard), subject to approval and acceptance by the City Engineer.
 - b. The applicant shall obtain a permit to remove twelve existing Fremont poplar trees within the vacated street and easements, and plant and maintain twelve, 24-inch box "Yarwood" London plane trees along the site's Lakeview Boulevard street frontage.
 - c. The applicant shall provide evidence that it has executed and delivered to Caltrans, in a form satisfactory to Caltrans, grant(s) of a new ten-foot wide electrical facilities easement located within the portions of Gateway and Lakeview Boulevards to be vacated.
6. Directed that upon completion of the conditions listed in item 5, above, that the resolution vacating a portion of Gateway and Lakeview Boulevards right-of-way and easements to Peery/Arrillaga shall be recorded.

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

*Consent Items

b. Mayor Morrison opened consideration to Review and Consider the Niles Canyon Road Truck Restriction Project Initial Study and Provide Direction to Staff on Whether to Proceed with Caltrans' Truck Restriction Process

Public Works Director Jim Pierson, Transportation Engineer Kunle Odumade and consultant Mark Spencer provided a summary of the study. Mayor Morrison opened the public hearing. Vinnie Bacon, Michelle Powell, Kimberly Harbin, Mike Dubinsky, Robert Foster and Patricia Stillman expressed several concerns related to the study. There were no other speakers. Mayor Morrison closed the public hearing. Another question and answer period followed. Councilmembers provided comment.

On a motion by Councilmember Dutra, seconded by Vice Mayor Natarajan, the City Council received the presentation and decided not proceeding further for the reasons outlined in the staff report.

Ayes:	Mayor Morrison, Vice Mayor Natarajan, Councilmembers: Harrison, Chan and Dutra
Noes:	None
Absent:	None
Abstain:	None

c. Mayor Morrison opened consideration of a Public Hearing (Published Notice) to Introduce an Ordinance Amending the Fremont Municipal Code in order to Establish Large Family Day Care Homes as Accessory Permitted Uses in all Residentially-Zoned Districts Citywide (PLN2011-00146)

*This item added to Consent Calendar

On a motion by Vice Mayor Natarajan, seconded by Councilmember Chan, the City Council:

1. Held a public hearing.
2. Found that the project is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) because the proposed modifications to the existing permitting process for large family day care homes does not have the potential to create a significant environmental impact.
3. Found the Zoning Text Amendment is in conformance with the relevant provisions contained in the City's General Plan. These provisions include the designations, goals, objectives and policies set forth in the General Plan's Public Facilities, Land Use, and Economic Development Chapters as discussed in the staff report.
4. Found the public necessity, convenience and general welfare require the adoption of this Zoning Text Amendment because it supports the provision of large family day care homes in residentially-zoned districts Citywide, thereby advancing both the State Legislature's intent to support provision of these facilities and the City of Fremont's support of that legislative intent through the General Plan policies described herein while maintaining compliance with State law pertaining to large family day care homes.

5. Introduce an ordinance approving the proposed Zoning Text Amendment establishing large family day care homes as accessory permitted uses in all residentially-zoned districts citywide (PLN2011-00146).
6. Direct staff to prepare and the Clerk to publish a summary of the ordinance.

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

6. REPORT FROM CITY ATTORNEY – None.

7. OTHER BUSINESS

- a. **Mayor Morrison opened consideration of the Draft Climate Action Plan, including Actions for Reducing Greenhouse Gas Emissions, and Green Building Requirements for Non-residential Buildings, and to Provide Direction to Staff on Next Steps (PLN2011-00105)**

Associate Planner Amy Rakley provided a PowerPoint presentation. Staff responded to questions from Councilmembers. Mayor Morrison opened the item for public comment. Doreen Roberts, Cowboy Bob, Tony Doot and David Stark (all representing Bay East Association of Realtors), Rich Godfrey (Green Task Force), Timothy May (Rental Housing Association, serving Southern Alameda County), George Duarte (Fremont Chamber of Commerce chairperson of Government Affairs), Bill Cantrell, David Bonaccorsi, and Evan Edgar (Fremont Recycling & Transfer Station) expressed a variety of concerns regarding potential issues. There were no other speakers. Mayor Morrison closed public comment. Staff responded to additional questions from Councilmembers.

City Council provided direction to staff on desired changes and next steps for the Draft Climate Action Plan. City Council directed staff to prepare a draft ordinance for public comment that establishes a mandatory green building requirement for non-residential projects exceeding a size threshold to-be-determined, as permitted by State law.

8. COUNCIL COMMUNICATIONS

- a. **Council Referrals**

1. **COUNCILMEMBER CHAN REFERRAL:** Energy efficient electric cars are becoming more prominent in the Bay Area. Per our updated General Plan, we have committed to building Electric Vehicle (EV) charging stations and the associated infrastructure.
 - Mobility Policies "promote public solar plug-in hybrid fueling stations".

- Implementation 3-3.9: Alternative Fuel Vehicles - "encourage the development of a network of plug-in stations for hybrid, electric, or other alternatively fueled vehicles. In particular, locations where cars are driven short distances and then parked for long periods, such as transit station lots and park & ride lots, should be prioritized as plug-in-station locations.
- Implementation 9-2.1E: Evaluate alternative fuel vehicles of City use and continue to purchase energy efficient vehicles.

ABAG, the Bay Area Climate Collaborative (BACC), EV Communities Alliance, and the Bay Air Quality Management District have developed Ready, Set, Charge, California! A Guide to EV Ready Communities, which provides CA public agencies with guidance on how to advance community electric vehicle (EV) readiness. This guide http://www.baclimate.org/images/stories/actionareas/ev/readysetcharge_evguidelines.pdf provides standardized policies, ordinances and best-practices, providing a consistent framework for deployment of EVs and EV infrastructure including information on signage, ADA compliance, permitting and other key matters. The guidance will support local governments enabling acceleration of electric vehicle adoption to deliver cost savings to drivers, healthier communities, and safeguarded natural resources.

I am proposing that we use this resource to establish our own local EV guidelines as appropriate.

City Council requested staff include this in the Climate Action Plan.

2. VICE MAYOR NATARAJAN REFERRAL: As a follow up to the culmination of initial consultant studies for the Warm Springs/South Fremont area around the BART station, I would like for the Council to consider as a next step the City's participation in a National Technical Advisory Panel of the Urban Land Institute (ULI). This will help build on the information we have with the current EDA funded study and more importantly, raise the visibility of the site and its potential to a national level.

ULI has panel options. I would recommend the three-day panel in order to obtain a detailed analysis of the possibilities with a focus on design and implementation strategies that will feed into the development of the Community Plan. The fee for this program is around \$60,000.

According to the ULI, the advisory services panels provide strategic advice on land use and real estate development issues. Panels link developers, public agencies, and other sponsors to the knowledge and experience of ULI and its membership. Established in 1947, this fee-based program has completed over 600 panels, in 47 states, 12 countries, and 4 continents.

I would like staff to research the various options with ULI and report back to Council.

On a motion by Vice Mayor Natarajan, seconded by Councilmember Dutra, the City Council:

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

b. Oral Reports on Meetings and Events

Councilmembers reported on their various meetings and activities.

9. SUCCESSOR AGENCY

- a. Mayor Morrison opened consideration of Successor Agency to the Former Redevelopment Agency, Approving an Amended Recognized Obligation Payment Schedule for January Through June 2012, Approving an Administrative Budget for February Through June 2012, Approving a Recognized Obligation Payment Schedule and Administrative Budget for July Through December 2012, and Directing the City Manager to Take all Actions Necessary to Effectuate Associated Requirements of ABX1 26**

*This item added to Consent Calendar

On a motion by Vice Mayor Natarajan, seconded by Councilmember Chan, the City Council adopted Resolution No. SA-2012-2 of the City Council, in the capacity as governing board of the Successor Agency to the former Redevelopment Agency, including the following:

1. Approving the Amended First Recognized Obligation Payment Schedule (ROPS);
2. Approving the First Administrative Budget
3. Approving the Second Recognized Obligation Payment Schedule
4. Approving the Second Administrative Budget; and
5. Authorizing the City Manager or his designee to take such actions and execute such other documents as are appropriate to effectuate the intent of the resolution and all actions necessary to effectuate associated requirements of the Dissolution Act.

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

10. ADJOURNMENT: There being no further business, Mayor Morrison adjourned the meeting at 9:55 p.m.

Attest:

Approved:

Nadine Nader, City Clerk

GUS MORRISON, Mayor

*Consent Items

**MINUTES
FREMONT CITY COUNCIL MEETING
APRIL 10, 2012
FREMONT CITY HALL
7:00 P.M.**

1. PRELIMINARY

- a. Call to Order:** Mayor Morrison called the meeting to order.
- b. Flag Salute:** Mayor Morrison led the salute to the flag.
- c. Roll Call:** Present: Mayor Morrison, Vice Mayor Natarajan, Councilmembers: Harrison and Chan.
Absent: Councilmember Dutra
- d. Announcements by Mayor/City Manager**

2. CONSENT CALENDAR

- * **a. Waive Reading of Ordinances:** The City Attorney read the titles of ordinances to be considered.

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council waived further readings of proposed ordinances.

Ayes:	Mayor Morrison, Vice Mayor Natarajan, Councilmembers: Harrison and Chan
Noes:	None
Absent:	Councilmember Dutra
Abstain:	None

- * **b. Approval of Minutes – None.**
- * **c. Mayor Morrison opened consideration of Appropriation of \$80,000 in Community Service Block Grant Funding from the Fremont Family Resource Center non-profit to the City FRC support services fund**

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council accepted the grant funding from the FRC non-profit organization, the recipient of the grant, and appropriated \$80,000 in Community Service Block Grant funding to Fund 108.5399 (FRC Support Services).

Ayes:	Mayor Morrison, Vice Mayor Natarajan, Councilmembers: Harrison and Chan
Noes:	None

*Consent Items

Absent: Councilmember Dutra
Abstain: None

- * d. **Mayor Morrison opened consideration of Appropriation of \$43,500 in Community Service Block Grant received by the Family Resource Center Nonprofit from the City of Oakland to the City Family Resources Center Support Services Fund**

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council accepted \$43,500 of Community Service Block Grant funding from the City of Oakland, through the Fremont Family Resource Center Non-Profit Organization, for calendar year 2012, and appropriated the funds to Fund 108.5399 (FRC Support Services). An appropriation of \$43,500, beginning January 1, 2013, will be incorporated in the City's budget adoption process for FY 2012/13.

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison and Chan
Noes: None
Absent: Councilmember Dutra
Abstain: None

- * e. **Mayor Morrison opened consideration of Acceptance and Appropriation of \$60,000 Grant from Toyota USA Foundation through the Fremont Family Resource Center to the City FRC Support Services Fund**

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council approved appropriation of \$60,000 in funding from Toyota USA Foundation to the Fremont Family Resource Center, Fund 108.5399(FRC Support Services).

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison and Chan
Noes: None
Absent: Councilmember Dutra
Abstain: None

- * f. **Mayor Morrison opened consideration of Request for Approval to Enter into Contract with Eden Housing Resident Services, Inc., to Provide Senior Service Coordinator Services at Cottonwood Senior Housing**

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council:

1. Authorized the City Manager or his designee to enter into a one year service contract with Eden Housing Resident Services, Inc., to provide supportive senior services at the Cottonwood Senior Housing, commencing April 15, 2012.
2. Appropriated \$20,000 in FY 2011/12 funds from this service contract to Fund 562 to cover anticipated contract expenses through the end of the fiscal year.

*Consent Items

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison and Chan
Noes: None
Absent: Councilmember Dutra
Abstain: None

- * g. **Mayor Morrison opened consideration of a Public Hearing (Published Notice, Display Ad) to Consider Rescinding Various Adopted Citywide Resolutions and Accompanying Development Policies That are no Longer Relevant and/or That Have Been Superseded Related to Design Guidelines and Standards, Water Efficiency, Circulation Improvements, Affordable Housing Bonding, Historic Resource Preservation, Quasi-Public Uses, and Park Fees; and to Consider Amendments to Fremont Municipal Code Title VIII (Planning and Zoning), Chapter 1 (Subdivisions) and Chapter 3 (Street Right of Way Improvement Ordinance) for Text Reference Clean up Associated with the Subject Development Policies**

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council:

1. Held public hearing.
2. Found that the project was considered as part of the Draft and Final Environmental Impact Report (DEIR/FEIR) for the General Plan update.
3. Found the rescission of development policies and proposed Municipal Code amendments are in conformance with the relevant provisions contained in the City's General Plan. These provisions include the designations, goals, objectives and policies set forth in the General Plan's Land Use, Community Character, Community Plans, Conservation and Safety Elements.
4. Found the public necessity, convenience and general welfare require the adoption of the Municipal Code amendments because such action is necessary to eliminate duplicative processes and provide consistent policy direction resulting in more efficient and effective development review.
5. Adopted Resolution No. 2012-16 rescinding the development policies.
6. Waived full reading and introduced an ordinance amending Title VIII, Chapter 1 and Chapter 3.
7. Directed staff to prepare and the Clerk to publish a summary of the ordinance.

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison and Chan
Noes: None
Absent: Councilmember Dutra
Abstain: None

- * h. **Mayor Morrison opened consideration of a Resolution Authorizing the Submittal of a Housing-Related Parks Program Grant Application to the State Department of Housing and Community Development**

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council adopted Resolution No. 2012-17:

1. Authorizing the submittal of a Housing-Related Parks Program grant application to the State Department of Housing and Community Development in the amount for which the City of Fremont is eligible, estimated to be \$142,250, and;
2. Authorizing the City Manager, or his designee, to execute all necessary program and grant documents.
3. If the grant is awarded to the City of Fremont, then Council approves the appropriation of the grant funds to 525PWC8505, Los Cerritos Community Park Picnic Area project.

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison and Chan
Noes: None
Absent: Councilmember Dutra
Abstain: None

3. CEREMONIAL ITEMS - None.

4. PUBLIC COMMUNICATIONS

a. Oral and Written Communications

5. SCHEDULED ITEMS

a. **Mayor Morrison opened consideration of a Public Hearing (Published Notice, Display Ad) to Introduce an Ordinance of the City of Fremont, Adding Article 20.5 To Fremont Municipal Code Title VIII (Planning And Zoning), Chapter 2 (Zoning) and Amending and Repealing Various Sections Regarding Renewable Energy Systems**

Associate Planner Scott Ruhland provided an overview and PowerPoint presentation. Mayor Morrison opened the public hearing. Ed Pentaleri expressed various concerns. There were no other speakers. Staff responded to questions from Councilmembers.

On a motion by Vice Mayor Natarajan, seconded by Councilmember Harrison, the City Council:

1. Held public hearing.
2. Adopted the Negative Declaration and found this action reflects the independent judgment of the City of Fremont.
3. Eliminated provisions for ground mounted wind energy systems on properties designated as residential on the General Plan land use diagram and limit roof mounted wind energy systems to one system per residentially designated parcel.
4. Found that the proposed ordinance is in conformance with the relevant provisions contained in the City's General Plan. These provisions include the designations, goals, objectives and policies set forth in the General Plan's Conservation Element as enumerated within the staff report.

5. Found the public necessity, convenience and general welfare require the adoption of the ordinance because the City of Fremont recognizes that the efficient use of renewable energy systems reduces on-site consumption of utility supplied electricity, reduces dependence on nonrenewable energy sources and results in an overall reduction of greenhouse gas emissions.
6. Introduced an ordinance adding Article 20.5 to Fremont Municipal Code Title VIII (Planning and Zoning), Chapter 2 (Zoning) and amending and repealing various sections regarding renewable energy systems.
7. Directed staff to prepare and the Clerk to publish a summary of the ordinance.

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison and Chan
Noes: None
Absent: Councilmember Dutra
Abstain: None

6. REPORT FROM CITY ATTORNEY - None.

7. OTHER BUSINESS

- a. **Mayor Morrison opened consideration of a Resolution Adopting An Updated Art in Public Places Program Policy and a Companion Ordinance Clarifying the Effective Resolution Governing this Policy**

This item was added to the Consent Calendar.

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council:

1. Introduced an Ordinance to amend the ordinance setting out the art review board duties and responsibilities by eliminating reference to the resolution number of the resolution adopting the art in public places program policy .
2. Adopted Resolution No. 2012-18 approving a new Art in Public Places Program Policy and rescinding the old Resolution and Policy.

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison and Chan
Noes: None
Absent: Councilmember Dutra
Abstain: None

8. COUNCIL COMMUNICATIONS

- a. **Council Referrals – None.**
- b. **Oral Reports on Meetings and Events**

*Consent Items

Councilmembers reported on their various meetings and activities.

9. SUCCESSOR AGENCY - None.

10. ADJOURNMENT: There being no further business, Mayor Morrison adjourned the meeting at 7:45 p.m.

Attest:

Approved:

Susan Gauthier, Deputy City Clerk

GUS MORRISON, Mayor

**MINUTES
FREMONT CITY COUNCIL MEETING
APRIL 17, 2012
FREMONT CITY HALL
7:00 P.M.**

1. PRELIMINARY

- a. **Call to Order:** Mayor Morrison called the meeting to order.
- b. **Flag Salute:** Councilmember Dutra led the salute to the flag.
- c. **Roll Call:** Present: Mayor Morrison, Vice Mayor Natarajan, Councilmembers: Harrison, Chan and Dutra.
- d. **Announcements by Mayor/City Manager**

2. CONSENT CALENDAR

- * a. **Waive Reading of Ordinances:** The City Attorney read the titles of ordinances to be considered.

On a motion by Councilmember Harrison, seconded by Vice Mayor Natarajan, the City Council waived further readings of proposed ordinances.

Ayes:	Mayor Morrison, Vice Mayor Natarajan, Councilmembers: Harrison, Chan and Dutra
Noes:	None
Absent:	None
Abstain:	None

- * b. **Approval of Minutes** – None.
- * c. **Mayor Morrison opened consideration of Second Reading and Adoption of an Ordinance of the City of Fremont, Amending Various Sections and Repealing Section 8-22147.5 of Fremont Municipal Code Title VIII (Planning And Zoning), Chapter 2 (Zoning) Regarding Large Family Day Care Homes**

On a motion by Councilmember Harrison, seconded by Vice Mayor Natarajan, the City Council adopted Ordinance No. 05-2012

Ayes:	Mayor Morrison, Vice Mayor Natarajan, Councilmembers: Harrison, Chan and Dutra
Noes:	None
Absent:	None
Abstain:	None

*Consent Items

- * d. **Mayor Morrison opened consideration of Adopt a Resolution Ordering the Preparation and Filing of the Annual Engineer's Report for Landscaping Assessment District 88 and Adopt a Resolution Stating the City Council's Intention to Levy Assessments for Landscape Assessment District 88 for Fiscal Year 2012/13**

On a motion by Councilmember Harrison, seconded by Vice Mayor Natarajan, the City Council:

1. Adopted Resolution No. 2012-19 ordering the preparation and filing of the annual Engineer's Report for Landscaping Assessment District 88 for Fiscal Year 2012/13.
2. Adopted Resolution No. 2012-20 stating the intent of the City Council of the City of Fremont to levy and collect assessments for Fremont Landscaping Assessment District 88 for Fiscal Year 2012/13.

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

- * e. **Mayor Morrison opened consideration of a Resolution Authorizing Fiscal Year 2012/13 Transportation Development Act (TDA) Article 3 Grant Application and Acceptance of the TDA Article 3 Funds for Citywide Bicycle Facilities Improvement Project**

On a motion by Councilmember Harrison, seconded by Vice Mayor Natarajan, the City Council:

1. Adopted Resolution No. 2012-21 authorizing the City Manager, or his designee, (a) to apply for Transportation Development Act Article 3 Bicycle and Pedestrian Program Funds in the amount of \$167,042 for the Citywide Bicycle Facilities Improvement Project for FY 2012/13; and (b) to accept any awarded grant funds for the Project and to execute any necessary implementing documents.
2. Approved appropriation of any grant funds received to 107PWC8796, Citywide Bicycle Facilities Improvement Project.

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

- * f. **Mayor Morrison opened consideration of Approval of Plans and Specifications and Award of Contract to Lowest Responsive and Responsible Bidder for 2012 Crack Seal Project, 8195-E (PWC)**

On a motion by Councilmember Harrison, seconded by Vice Mayor Natarajan, the City Council:

1. Approved the plans and specifications for the 2012 Crack Seal Project, 8195-E (PWC).
2. Accepted the bid and award the construction contract for the 2012 Crack Seal Project, 8195-E (PWC), to the lowest responsive and responsible bidder, Rubberized Crackfiller Sealant, Inc., in the amount of \$297,400.00 and authorize the City Manager or designee to execute the contract.

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

- * g. **Mayor Morrison opened consideration to Authorize the City Manager to Execute a Five-Year Lease Agreement with the State of California for a Total of 5,916 Square Feet of Office and Common Area Space for the Department of Rehabilitation Located at the Family Resource Center**

On a motion by Councilmember Harrison, seconded by Vice Mayor Natarajan, the City Council authorized the City Manager or his designee to execute a five-year lease agreement as described in the staff report with the State Department of Rehabilitation for a total of 5,916 square feet of office and common area space located at the Fremont Family Resource Center.

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

- * h. **Mayor Morrison opened consideration to Authorize City Manager to Approve an Agreement with Capital Accounting Partners to Update and Make Revisions to the Master (User) Fee Schedule, Overhead Cost Allocation Plans, and Fully Burdened Staff Rates, and Provide Annual Updates**

On a motion by Councilmember Harrison, seconded by Vice Mayor Natarajan, the City Council authorized the City Manager (or his designee) to approve an agreement with Capital Accounting Partners, LLC for an initial amount of \$48,830, with the authority amend the contract to provide for periodic updates through FY 2018/19, at the City's option, for a total not-to-exceed amount of \$218,960.

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None

Abstain: None

- * i. **Mayor Morrison opened consideration to Authorize the City Manager to Execute a \$225,000 per year Contract for Copying and Printing Services with Bay Central Printing**

On a motion by Councilmember Harrison, seconded by Vice Mayor Natarajan, the City Council authorized the City Manager, or his designee, to execute a three-year contract in an amount not to exceed \$225,000 per fiscal year with Bay Central Printing, Inc., with an option for the City Manager, or his designee, to execute up to two additional one-year extensions, each not to exceed \$225,000 per fiscal year, for copying and printing services.

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

- * j. **Mayor Morrison opened consideration of Authorization for the City Manager to Enter into an Agreement with the San Francisco Pride Celebration Committee to Allow the City to Officially Participate in the Pride Parade**

(This item removed from Consent Calendar). Mayor Morrison opened the item for public comment. Barbara Jue encourage Council to approve this item. There were no other speakers. Mayor Morrison closed public comment. There were no questions from Councilmembers.

On a motion by Vice Mayor Natarajan, seconded by Councilmember Chan, the City Council authorized the City Manager to enter into an agreement as described in the staff report with the San Francisco Lesbian, Gay, Bisexual, Transgender Pride Celebration Committee Inc., in order for the Human Relations Commission and other residents to participate, and officially represent the City, in the San Francisco Pride Parade.

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

- * k. **Mayor Morrison opened consideration of a Public Hearing (Published Notice) to Consider Modifications to Human Services Department Fees for Youth and Family Services, Aging and Family Services, Mobility and Transportation Services, and Family Resource Center Services and Rentals**

On a motion by Councilmember Harrison, seconded by Vice Mayor Natarajan, the City Council held a public hearing and adopted Resolution No. 2012-22 to amend the Master Fee Schedule to update Youth and Family Services counseling fees; Family Resource Center family case management fees; Aging and Family Services (AFS) senior case management fees;

FRC and AFS Mental Health Service fees; FRC rental fees; and Mobility and Transportation Services fees as described in the staff report.

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

* I. **Mayor Morrison opened consideration of a Public Hearing (Published Notice) on the Use of Federal Community Development Block Grant Funds for FY 2012/13 and FY 2013/14, Adoption of a Resolution Approving the FY 2012/13 CDBG Program Final Statement of Community Development Objectives and the FY 2012/13 Action Plan; and Authorizing the City Manager to Execute Agreements with the U.S. Department of Housing and Urban Development and CDBG Grantees**

(This item removed from Consent Calendar). Mayor Morrison opened the item for public comment. Dr. Hanif Salarzai and Ahmad Zamani (representing Afghan Care) expressed their need for funding which had been denied by the CDBG Committee. There were no other speakers. Mayor Morrison closed public comment. Staff responded to questions from Councilmembers.

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council:

1. Held a public hearing on the proposed FY 2012/13 CDBG Program Final Statement of Community Development Objectives and Projected Use of Funds.
2. Allocated CDBG funds for FY 2012/13 and FY 2013/14 in the amounts stated herein, contingent upon the respective adoption of the FY 2012/13 and FY 2013/14 budgets by the City Council.
3. Adopted Resolution No. 2012-23:
 - a. approving, and authorizing the City Manager or his designee to submit, the FY 2012/13 CDBG Program Final Statement of Community Development Objectives and Projected Use of Funds, and the CDBG Action Plan as recommended by the Citizens Advisory Committee and staff in the amounts stated herein;
 - b. authorizing the City Manager or his designee to execute a FY 2012/13 CDBG funding agreement with HUD; and
 - c. authorizing the City Manager or his designee to execute agreements effective July 1, 2012, with the grantees recommended for funding by staff and the Citizens Advisory Committee in the amounts set forth herein, contingent upon a finding of no significant impact in the corresponding environmental assessments and completion of the required public comment period as amended by HUD, and contingent upon adoption of the budget for FY 2012/13 and, if applicable, FY 2013/14.

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

3. CEREMONIAL ITEMS

- a. Proclamation: Earth Day**
- b. Proclamation: April is Fair Housing Month**
- c. Proclamation: Supporting the Tri-Cities Ducks for Buck\$ Benefit Race Sponsored by the Kiwanis Club of Fremont**

4. PUBLIC COMMUNICATIONS

- a. Oral and Written Communications**

Linda Susoev expressed a variety of concerns.

5. SCHEDULED ITEMS – None.

6. REPORT FROM CITY ATTORNEY

7. OTHER BUSINESS

- a. Mayor Morrison opened consideration of an Update from City Staff on the Kimber Study Area**

Councilmember Chan recused herself from this item. Senior Planner Wayne Morris provided a brief presentation. Mayor Morrison opened the item for public comment.

Steve Saray (Bella Vina development team) gave a presentation (see handout). Christina Broadwin (Save Kimber Park) shared various concerns. Paul Gumina (attorney for Bella Vina) expressed concerns for information provided by Save Kimber Park group. Tim Tran (Bella Vina) spoke about the benefit of development of Bella Vina. Sunil Dhar, April Ellebracht, Andrew Law, Laird Matthews, and Edward Wustenhoff (Save Kimber Park) spoke in favor of preserving the Kimber open space. There were no other speakers. Mayor Morrison closed public comment. Staff responded to questions from Councilmembers. City Council received the status report and provided feedback on the ongoing community outreach process, which the property owner requests to continue. City Council gave direction to staff on continued review of the development application and recommends May 18, 2012 as the final date upon which a complete development application may be received for processing in accordance with the prior direction that an application be brought forward for City Council review and consideration prior to December 13, 2012.

8. COUNCIL COMMUNICATIONS

a. Council Referrals

b. Oral Reports on Meetings and Events

Councilmembers reported on their various meetings and activities.

9. SUCCESSOR AGENCY – None.

10. ADJOURNMENT: There being no further business, Mayor Morrison adjourned the meeting at 8:50 p.m.

Attest:

Approved:

Nadine Nader, City Clerk

GUS MORRISON, Mayor

**MINUTES
FREMONT CITY COUNCIL SPECIAL MEETING
MAY 1, 2012
FREMONT CITY HALL
6:15 P.M.**

Call to Order: Mayor Morrison called the meeting to order.

Roll Call: Present: Mayor Morrison, Vice Mayor Natarajan, Councilmembers: Chan and Dutra
Absent: Councilmember Harrison

1. CONVENE TO A CLOSED SESSION

A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

This Closed Session is authorized by subdivision (b)(1) of Section 54956.9 of the Government Code and will pertain to possible initiation of litigation against the City in one matter.

B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

This Closed Session is authorized by subdivision (c) of Section 54956.9 of the Government Code and will pertain to possible initiation of litigation by the City in one matter.

The Special Meeting of the Fremont City Council adjourned at 7:00 p.m.

Attest:

Approved:

Nadine Nader, City Clerk

GUS MORRISON, Mayor

**MINUTES
FREMONT CITY COUNCIL MEETING
MAY 1, 2012
FREMONT CITY HALL
7:00 P.M.**

1. PRELIMINARY

- A. Call to Order:** Mayor Morrison called the meeting to order.
- B. Flag Salute:** Councilmember Dutra led the salute to the flag.
- C. Roll Call:** Present: Mayor Morrison, Vice Mayor Natarajan, Councilmembers: Harrison, Chan and Dutra.
- D. Announcements by Mayor/City Manager**

2. CONSENT CALENDAR

- * **A. Waive Reading of Ordinances:** The City Attorney read the titles of ordinances to be considered.

On a motion by Vice Mayor Natarajan, seconded by Councilmember Chan, the City Council waived further readings of proposed ordinances.

Ayes:	Mayor Morrison, Vice Mayor Natarajan, Councilmembers: Harrison, Chan and Dutra
Noes:	None
Absent:	None
Abstain:	None

- * **B. Approval of Minutes – None.**
- * **C. Mayor Morrison opened consideration of Second Reading and Adoption of an Ordinance of the City of Fremont Amending Various Sections of Fremont Municipal Code Title VIII, Chapters 1 and 3, Relating to Updating Certain Development Standards for Consistency with the New General Plan**

On a motion by Vice Mayor Natarajan, seconded by Councilmember Chan, the City Council adopted Ordinance No. 06-2012.

Ayes:	Mayor Morrison, Vice Mayor Natarajan, Councilmembers: Harrison, Chan and Dutra
Noes:	None
Absent:	None
Abstain:	None

*** D. Mayor Morrison opened consideration of Second Reading and Adoption of an Ordinance of the City of Fremont, Adding Article 20.5 to Fremont Municipal Code Title VIII (Planning and Zoning), Chapter 2 (Zoning) and Amending and Repealing Various Sections Regarding Renewable Energy Systems**

On a motion by Vice Mayor Natarajan, seconded by Councilmember Chan, the City Council adopted Ordinance No. 07-2012.

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

*** E. Mayor Morrison opened consideration of Second Reading and Adoption of an Ordinance of the City of Fremont Amending Fremont Municipal Code Section 2-31701 Pertaining to Art Review Board**

On a motion by Vice Mayor Natarajan, seconded by Councilmember Chan, the City Council adopted Ordinance No. 08-2012.

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

*** F. Mayor Morrison opened consideration of Approval of Plans and Specifications and Award of Contract to the Lowest Responsible Bidder for the Paseo Padre Parkway LED Street Light Retrofit Project from Fremont Boulevard to Washington Boulevard, City Project No. 8725A(PWC)**

On a motion by Vice Mayor Natarajan, seconded by Councilmember Chan, the City Council:

1. Approved the plans and specifications, accept the bid and award the construction contract for the Paseo Padre Parkway LED Retrofit Project from Fremont Boulevard to Washington Boulevard, City Project No. 8725A (PWC), to the lowest responsive and responsible bidder, Amland Corporation, in the amount of \$189,295.00 and authorize the City Manager or designee to execute the contract.
2. Approved transfer appropriation of \$38,000 from 194PWC8684, Energy Efficiency Upgrades, to 194PWC8725, LED Street Light/Parking Lot Retrofit.
3. Approved transfer appropriation of \$25,000 from 194PWC8727, Green Zoning Ordinance, to 194PWC8725 LED, Street Light/Parking Lot Retrofit.
4. Approved transfer appropriation of \$44,789 from 194PWC8712, Fremont Main Library Roof Replacement, to 194PWC8725 LED, Street Light/Parking Lot Retrofit.

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

*** G. Mayor Morrison opened consideration of Authorization for the City Manager to Execute a FY 2011/12 Memorandum of Understanding with Alameda County Health Care Services Agency for the Medi-Cal Targeted Case Management Program**

On a motion by Vice Mayor Natarajan, seconded by Councilmember Chan, the City Council authorized the City Manager or designee to sign a Memorandum of Understanding to enable the City to receive reimbursement for family case management and senior case management services provided to Medi-Cal eligible clients as part of the FY 2011/12 Targeted Case Management program as described in the staff report.

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

*** H. Mayor Morrison opened consideration of Approval of Final Map for Tract 8076, Improvement Agreements for Construction of Public Street (Guardino Drive) and Construction of Private Streets (Gary Lee King Common, Gary Lee King Terrace), and Dedication of Public Easements for Tract 8076**

On a motion by Vice Mayor Natarajan, seconded by Councilmember Chan, the City Council adopted Resolution No. 2012-24:

1. Approving the Final Map and the Improvement Plans for Tract 8076.
2. Approving the Agreement for Public Improvements entitled "Public Improvement Agreement, Tract 8076", with the developer, Lennar Homes of California, Inc., a California corporation, and authorizing the City Manager to execute the agreement on behalf of the City.
3. Approving the Agreement for Private Improvements entitled "Private Improvement Agreement, Tract 8076", with the developer, Lennar Homes of California, Inc., a California corporation, and authorizing the City Manager to execute the agreement on behalf of the City.
4. Accepting the developer's offer of dedication of real property interests, as identified on the Final Map, provided that to the extent offers of dedication are for real property on which the Developer is required to construct public improvements, the acceptance of the offer of dedication of shall be conditioned upon the developer's completion of improvements to the satisfaction of the City Engineer.

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra

Noes: None
Absent: None
Abstain: None

*** I. Mayor Morrison opened consideration of Approval of Contract Renewal with Alameda County Behavioral Health Care Services (ACBHCS) for Reimbursement of Mental Health Services in FY 2011/12**

On a motion by Vice Mayor Natarajan, seconded by Councilmember Chan, the City Council authorized the City Manager or designee to execute the Services-as-Needed contract with Alameda County Behavioral Health Care Services for reimbursement for mental health services as set forth in the staff report.

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

*** J. Mayor Morrison opened consideration of a Resolution Providing for and Clarifying the Pick-up Under Internal Revenue Code Section 414(h)(2) of Employee Contributions to CalPERS**

On a motion by Vice Mayor Natarajan, seconded by Councilmember Chan, the City Council adopted Resolution No. 2012-25 ratifying, consolidating and further clarifying the nature of recently negotiated employee “pick-up” of employer CalPERS contributions and confirming that those contributions are classified as pre-tax, as is consistent with the Internal Revenue Code, Treasury Regulations, and other guidance listed thereunder.

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

3. CEREMONIAL ITEMS – None.

4. PUBLIC COMMUNICATIONS

A. Oral and Written Communications

Jesse Schaa, Fremont Fourth Of July Parade Chairperson, requested assistance in helping the committee raise funds by making phone calls requesting donations. Steve Cho, Fremont Fourth Of July Parade committee member, requested the City Council waive the fees for City Services to defray the cost of the Fourth of July Parade. Wynn Greich (Fluoride Action Network & A.T.O.W.N.) expressed a variety of concerns.

5. SCHEDULED ITEMS – None.

6. REPORT FROM CITY ATTORNEY – None.

7. OTHER BUSINESS

A. Mayor Morrison opened consideration of a Proposed Ordinance Levying Special Taxes in Community Facilities District No. 1 (Pacific Commons) and Ratifying Previous Levies pursuant to Second Revised Rate and Method of Apportionment of Special Tax

This item was added to the Consent Calendar.

On a motion by Vice Mayor Natarajan, seconded by Councilmember Chan, the City Council approved introduction of the proposed ordinance levying the special taxes in the CFD in fiscal year 2012/13 and each fiscal year thereafter and ratifying the levy of special taxes in fiscal years 2003/04 through 2011/12, in each case at the rate and in the manner specified in the Second Revised Rate and Method of Apportionment of Special Tax. Directed staff to prepare and the Clerk to publish a summary of the ordinance.

Ayes:	Mayor Morrison, Vice Mayor Natarajan, Councilmembers: Harrison, Chan and Dutra
Noes:	None
Absent:	None
Abstain:	None

8. COUNCIL COMMUNICATIONS

A. Council Referrals – None.

B. Oral Reports on Meetings and Events

Councilmembers reported on their various meetings and activities.

9. SUCCESSOR AGENCY

A. Receive an Oral Report from the Successor Agency Communications Official on the Status of Matters Relating to the Dissolution of the Former Redevelopment Agency.

Councilmembers received report and provided comment.

10. ADJOURNMENT: There being no further business, Mayor Morrison adjourned the meeting at 7:30 p.m.

Attest:

Approved:

Nadine Nader, City Clerk

GUS MORRISON, Mayor

**MINUTES
FREMONT CITY COUNCIL SPECIAL MEETING
MAY 8, 2012
FREMONT CITY HALL
6:00 P.M.**

Call to Order: Mayor Morrison called the meeting to order.

Roll Call: Present: Mayor Morrison, Councilmembers: Harrison and Dutra
Absent: Vice Mayor Natarajan and Councilmember Chan

1. CONVENE TO A CLOSED SESSION

CONFERENCE WITH LABOR NEGOTIATOR: The City Council will hold a special meeting which will commence as an open meeting and then adjourn to a closed session as authorized by subdivision (a) of Section 54957.6 of the Government Code for the purpose of instructing Fred Diaz, City Manager; Mark Danaj, Assistant City Manager; Brian Stott, Human Resources Director; Annabell Holland, Community Services Director and Harvey Levine, City Attorney; as the City's negotiators.

The name of the organization representing employees in question is:

Operating Engineers

The Special Meeting of the Fremont City Council adjourned at 6:45 p.m.

Attest:

Approved:

Nadine Nader, City Clerk

GUS MORRISON, Mayor

**MINUTES
FREMONT CITY COUNCIL MEETING
MAY 8, 2012
FREMONT CITY HALL
7:00 P.M.**

1. PRELIMINARY

- A. Call to Order:** Mayor Morrison called the meeting to order.
- B. Flag Salute:** Councilmember Harrison led the salute to the flag.
- C. Roll Call:** Present: Mayor Morrison, Vice Mayor Natarajan, Councilmembers: Harrison and Dutra.
Absent: Councilmember Chan
- D. Announcements by Mayor/City Manager**

2. CONSENT CALENDAR

- * **A. Waive Reading of Ordinances:** The City Attorney read the titles of ordinances to be considered.

On a motion by Councilmember Harrison, seconded by Vice Mayor Natarajan, the City Council waived further readings of proposed ordinances.

Ayes:	Mayor Morrison, Vice Mayor Natarajan, Councilmembers: Harrison and Dutra
Noes:	None
Absent:	Councilmember Chan
Abstain:	None

- * **B. Approval of Minutes – None.**
- * **C. Mayor Morrison opened consideration to Authorize the City Manager to Execute an Agreement for FY 2011/12 and FY 2012/13 with Alameda County Health Care Services Agency to Support the Fremont Family Resource Center SparkPoint Program and Facilitate the Creation of a Tri-City Youth and Family Opportunity Hub**

On a motion by Councilmember Harrison, seconded by Vice Mayor Natarajan, the City Council authorized the City Manager or his designee to enter into a two-year agreement, through June 30, 2013, with Alameda County Health Care Services Agency in the amount of \$450,000 to support Fremont Family Resource Center SparkPoint and the development of Tri-Cities Youth and Family Opportunity Hubs.

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison and Dutra
Noes: None
Absent: Councilmember Chan
Abstain: None

*** D. Mayor Morrison opened consideration of Adoption of a Resolution Accepting FY 2012/13 Federal Supportive Housing Program (SHP) Renewal Funding for the Homeless Outreach for People Empowerment (HOPE) Project and Authorizing the City Manager to Execute Agreements with HUD and Abode Services**

On a motion by Councilmember Harrison, seconded by Vice Mayor Natarajan, the City Council:

1. Adopted Resolution No. 2012-26 accepting FY 2012/13 Federal SHP funding in the amount of \$269,790 and authorizing the City Manager or designee to execute an agreement with the Department of Housing and Urban Development in the amount of \$269,790.
2. Authorized the City Manager or designee to execute an agreement with Abode Services in the amount of \$280,146, effective July 1, 2012 through June 30, 2013, as set forth in the staff report and contingent on receipt and appropriation of funding.

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison and Dutra
Noes: None
Absent: Councilmember Chan
Abstain: None

*** E. Mayor Morrison opened consideration of Appointment of Independent External Auditor for City's Comprehensive Annual Financial Report and Other Related Audits and Reports; Authorization to Enter Agreement**

On a motion by Councilmember Harrison, seconded by Vice Mayor Natarajan, the City Council appointed the firm of Macias Gini & O'Connell LLP (MGO) as independent auditor for the City and authorized the City Manager or his designee to enter into a three-year contract, with two optional one-year extensions, for professional audit services with the firm.

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison and Dutra
Noes: None
Absent: Councilmember Chan
Abstain: None

3. CEREMONIAL ITEMS

- A. Resolution: Honoring Rich Lucero for Twenty-five Years of Service**
- B. Resolution: Honoring Bill Wack for Twenty five Years of Service**
- C. Presentation: Kaiser/HEAL Cities Campaign**

4. PUBLIC COMMUNICATIONS

A. Oral and Written Communications

Lowell Aspelund requested the City look into requiring Pit Bull dogs, and other vicious dogs, to wear a muzzle.

5. SCHEDULED ITEMS – None.

6. REPORT FROM CITY ATTORNEY – None.

7. OTHER BUSINESS – None.

8. COUNCIL COMMUNICATIONS

- A. Council Referrals – None.**
- B. Oral Reports on Meetings and Events**

Councilmembers reported on their various meetings and activities.

9. SUCCESSOR AGENCY

- A. Receive an Oral Report from the Successor Agency Communications Official on the Status of Matters Relating to the Dissolution of the Former Redevelopment Agency.**

Councilmembers received report and provided comment.

10. ADJOURNMENT: There being no further business, Mayor Morrison adjourned the meeting at 7:30 p.m. in memory of Fremont Police Officer Tom Fazio.

Attest:

Approved:

Nadine Nader, City Clerk

GUS MORRISON, Mayor

*Consent Items

**MINUTES
FREMONT CITY COUNCIL MEETING
MAY 15, 2012
FREMONT CITY HALL
7:00 P.M.**

1. PRELIMINARY

- A. Call to Order:** Mayor Morrison called the meeting to order.
- B. Flag Salute:** Vice Mayor Natarajan led the salute to the flag.
- C. Roll Call:** Present: Mayor Morrison, Vice Mayor Natarajan, Councilmembers: Harrison, Chan and Dutra.
- D. Announcements by Mayor/City Manager**

2. CONSENT CALENDAR

- * **A. Waive Reading of Ordinances:** The City Attorney read the titles of ordinances to be considered.

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council waived further readings of proposed ordinances.

Ayes:	Mayor Morrison, Vice Mayor Natarajan, Councilmembers: Harrison, Chan and Dutra
Noes:	None
Absent:	None
Abstain:	None

- * **B. Approval of Minutes – None.**
- * **C. Mayor Morrison opened consideration of Second Reading and Adoption of an Uncodified Ordinance of the City of Fremont Levying Special Taxes within the City of Fremont Community Facilities District No. 1 (Pacific Commons), City of Fremont, County of Alameda, State of California, and Ratifying Previous Levies of Special Taxes**

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council adopted Ordinance No. 09-2012.

Ayes:	Mayor Morrison, Vice Mayor Natarajan, Councilmembers: Harrison, Chan and Dutra
Noes:	None
Absent:	None
Abstain:	None

*Consent Items

- * **D. Mayor Morrison opened consideration to Authorize the City Manager, or Designee, to Issue a Purchase Order with Datalux Corporation for the Purchase of Mobile Data Computers and to Execute Any Implementing Documents and Take Any Implementing Actions as Necessary**

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council authorized the City Manager, or designee, to participate in the State of Texas Department of Information Resources contract with Datalux Corporation by executing the Interlocal Cooperation Contract and issuing a purchase order to Datalux Corporation for the Datalux mobile data computers, peripherals, and installation in an amount not-to-exceed \$555,801.25; and to take any implementing actions as necessary.

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

- * **E. Mayor Morrison opened consideration to Accept the Bridge Preventive Maintenance Program (BPMP) Grant and Appropriate the Grant Funds to the Citywide Bridge Preventive Maintenance Project at the Ardenwood North, Ardenwood Overhead and Paseo Padre Overhead Bridges, City Project No. 8120C (PWC)**

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council:

1. Authorized the City Manager or designee to accept the BPMP grant and to execute any associated grant documents.
2. Appropriated funds in the grant amount of \$438,224 to 522PWC8120 (Citywide Bridge Repair).

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

- * **F. Mayor Morrison opened consideration of Approval of Contract with Shaw Industries for the Police Building Carpet Replacement Project (City Project No. PWC8649)**

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council:

1. Approved Plans and Specifications for the Fremont Police Department Carpet Replacement Project.

2. Authorized the City Manager or his designee to participate in the cooperative agreement with National Joint Powers Association (NJPA) for the purchase of carpet from Shaw Industries, Inc., for carpet replacement at the Fremont Police Building in an amount not to exceed \$280,000 under City Project No. 8649 (PWC).
3. Appropriated \$119,012 of Fund 502, remaining bond fund balance to 502 PWC 8649, Police Building Seismic Retrofit

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra
Noes: None
Absent: None
Abstain: None

3. CEREMONIAL ITEMS

- A. **Proclamation: May 11 - 20th as Affordable Housing Week**
- B. **Proclamation: Asian Pacific American Heritage Month**
- C. **Proclamation: Older Americans Month**

4. PUBLIC COMMUNICATIONS

- A. **Oral and Written Communications**

Garden Girls, sixth graders at Warm Springs Elementary, shared models of their vision of "Fremont of the Future."

5. SCHEDULED ITEMS – None.

6. REPORT FROM CITY ATTORNEY – None.

7. OTHER BUSINESS

- A. **Mayor Morrison opened consideration of Presentation of Proposed FY 2012/13 Operating Budget**

The City Council accepted staff's budget presentation and provided comments.

8. COUNCIL COMMUNICATIONS

- A. **Council Referrals – None.**
- B. **Oral Reports on Meetings and Events**

Councilmembers reported on their various meetings and activities.

*Consent Items

9. SUCCESSOR AGENCY – None.

10. ADJOURNMENT: There being no further business, Mayor Morrison adjourned the meeting at 8:40 p.m. in memory of Betty Gentry.

Attest:

Approved:

Nadine Nader, City Clerk

GUS MORRISON, Mayor

**MINUTES
FREMONT CITY COUNCIL
SPECIAL MEETING
MAY 22, 2012
FREMONT CITY HALL
5:00 P.M.**

1. PRELIMINARY

- A. Call to Order:** Mayor Wasserman called the meeting to order.
- B. Flag Salute:** Mayor Morrison led the salute to the flag.
- C. Attendance:** Present: Mayor Wasserman, Vice Mayor Chan, Councilmembers: Natarajan, Harrison, and Dutra.
- D. Announcements by Mayor/City Manager**

2. PUBLIC COMMUNICATIONS

- A. Oral and Written Communications**

3. SCHEDULED ITEMS

- A. Mayor Morrison opened consideration of Approval of Plans and Specifications and Award of Contract to Lowest Responsive and Responsible Bidder for the 2012 Cape and Slurry Seal Project, 8195-D (PWC)**

On a motion by Councilmember Harrison, seconded by Councilmember Chan, the City Council:

1. Approve the plans and specifications for the 2012 Cape and Slurry Seal Project, 8195-D (PWC).
2. Reject the bid from the lowest monetary bidder, Graham Contractors Inc., as non-responsive.
3. Accept the bid and award the construction contract for the 2012 Cape and Slurry Seal Project, 8195-D (PWC) to the second bidder, Valley Slurry Seal Company, in the amount of \$2,400,922.00 and authorize the City Manager to execute the contract.
4. Appropriate \$250,000 of Rubber Chip Seal grant funds to 525.PWC8195.

Ayes: Mayor Morrison, Vice Mayor Natarajan,
Councilmembers: Harrison, Chan and Dutra

Noes: None

Absent: None

Abstain: None

4. ADJOURNMENT

There being no further business, Mayor Wasserman adjourned the meeting at 5:07 p.m.

Attest:

Approved:

Susan Gauthier, Deputy City Clerk

GUS MORRISON, Mayor

**MINUTES
FREMONT CITY COUNCIL SPECIAL MEETING
MAY 22, 2012
FREMONT CITY HALL
Immediately Following the City Council Special Meeting**

Call to Order: Mayor Morrison called the meeting to order.

Roll Call: Present: Mayor Morrison, Vice Mayor Natarajan, Councilmembers: Harrison, Chan and Dutra

1. CONVENE TO A CLOSED SESSION

A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS: This Closed Session is authorized by Government Code Section 54956.8 at the time and place stated above to confer with and grant authority to its real property negotiators regarding the price and terms for lease:

Approximately 54.37 acres, located at 39751 Stevenson Place, owned by City of Fremont

For the City – (which will be represented at the meeting); Randy Sabado, Real Property Manager; Annabell Holland, Community Services Director and Harvey Levine, City Attorney

For the Property Owners – (which will not be represented at the meeting) Kijoung Ruy

The Special Meeting of the Fremont City Council adjourned at 5:45 p.m..

Attest:

Approved:

Susan Gauthier, Deputy City Clerk

GUS MORRISON, Mayor